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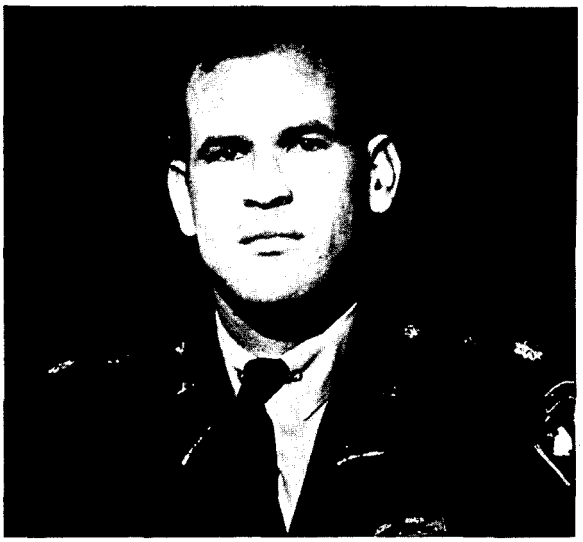

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MAY 1972

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# Letters

*Editor's note: Our first* Tidbits and Outrages *feature, in the December, 1971, issue, contained the rollcall vote on Senator Mike Gravel's amendment to cut off funds for bombing in Indochina. We also ran brief statements for and against the measure by Senators Gravel and Jacob Javits. The amendment lost, 19-64, with a number of prominent doves voting against it. Since then we have received letters from some senators wishing to clarify their positions. We are devoting our* Letters *section this month to their responses.*

My amendment required the cessation of bombing by the United States throughout Indochina upon date of enactment of the legislation. The only exception was bombing in South Vietnam which could be continued by the President if he determined it necessary for the safety of withdrawing American troops.

Some have said that the unlimited bombing must be permitted until our troops have been withdrawn. While not agreeing, I recognize the concern which prompts such statements. But I also recognize that this can be an argument ad absurdum to permit the indefinite continuation of our aerial destruction upon all the people of Southeast Asia.

As I said on the Senate floor on October 5:

> This continues every hour—200,000 pounds of bombs, every nine days the equivalent of Hiroshima. From 1965 to 1969, 70 tons of bombs for every square mile of North and South Vietnam were dropped, 500 pounds for every man, woman and child. In just the first five months of 1971 there were 789 million pounds of bombs dropped over Southeast Asia.

The policy has remained unchanged.

I can understand no reason why this bombing should continue. The bombing over North Vietnam, Laos, and Cambodia has no direct bearing on the safety of our troops.

Until the Senate legislates otherwise, the planes which bring the devastation come in the name of the United States Senate and in the name of the American people. We are directly and morally responsible for the continuation of the bombing. Although nothing will bring back those who have died, or the lost arms and legs, eyes and ears, let us at least stop the bombing of those who remain.

The Senate chose not to adopt this legislation last fall. Since then, so-called protective reaction strikes have become an almost daily occurrence over North Vietnam. The bombing reached enormous levels after Christmas. Meanwhile, the bombing in Laos and Cambodia continues unslackened.

I am preparing to bring a similar amendment to the floor of the Senate to attempt again to halt the destruction and killing. I hope that when the amendment comes to a vote, my colleagues will see the issue for what it is; an attempt to end the devastation which comes from our planes and thereby the war itself.

In fact, the Indochina war has become an air war. Ending the bombing will, in reality, bring to a virtual standstill American involvement in the war.

MIKE GRAVEL
D-Alaska

Last October, I voted against the Gravel amendment to stop all bombing in Indochina except that which the President determined was needed to protect our troops. Congress should concentrate its efforts on stopping the war altogether by the establishment of a date certain for the termination of all U. S. military activities in Indochina. Legislation against only one particular aspect of the war only diverts attention from what should be the primary objective of Congress:



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to get out of Indochina altogether. My vote against the Gravel amendment in no way suggests that I accept the current bombing policies or would support a continued American air war after turning over the ground war to the South Vietnamese.

I strongly oppose the present widespread American bombing in Indochina and am greatly disturbed by the apparent trend toward escalation of the air war as we turn over the ground war to the South Vietnamese. As I said recently, this trend exposes the bankruptcy of President Nixon's "Vietnamization" policy. Instead of Vietnamization, we should set three goals: to end all American military involvement in Indochina; to bring home all our military personnel, including those now held captive; and to do everything within our power to encourage and expedite a political settlement that will put an end to the fighting and dying. The resumption and intensification of our air war against North Vietnam serves none of these objectives.

EDMUND S. MUSKIE
D-Maine

I was away from the Senate at the time of the vote on the Gravel amendment, and I did not get sufficient warning to return to the floor. I subsequently recorded my position in favor of the amendment. I regard the continuing air war in Indochina as a disastrous military and moral spectacle.

GEORGE MCGOVERN
D-S.D.

Regarding my vote on the Gravel amendment, let me attempt to explain briefly.

First, it is quite apparent that a number of prominent Senators who were against bombing and for an end to American involvement voted against the Gravel amendment. This is not an excuse as much as an indicator of the judgment of a concerted group of individuals at tne time. Secondly, there was some question as to the correct wording of the Gravel amendment. Thirdly, it did not in my opinion take sufficient recognition of the danger to our troops left in Indochina.

That is precisely the weakness of the Nixon policy, and paradoxically, the Gravel amendment. Instead of talking about withdrawal, and a withdrawal date, the President has stepped up the bombing, showing the weakness of his Vietnamization policy. We are not negotiating; our government is once again trying to intimidate the government of North Vietnam. I was against the bombings when they were first initiated in 1964 and am even more opposed to them today.

Accordingly, I am one of the original supporters of an amendment introduced by Senator Mondale which prohibits the bombing of North Vietnam. This amendment was never voted upon. I have supported major legislation to withdraw completely by a date certain from Indochina and to end our military operations there. I have called twice in the last two weeks for a Christmas-Tet cease-fire, not ending before February 15, and not extending unless our men are fired upon. And finally, only last week, I signed a public petition calling for an immediate withdrawal.

I hope this helps to clarify the background of my position on this question.

HUBERT H. HUMPHREY
D-Minn.

I regret that your December issue included only selected, and misleading, portions of my statement explaining my decision to vote against the Gravel amendment. I feel that you owe it to your readers to print my full, unedited statement as it was made.

The full text of my statement follows:

**Mr. Javits.** Mr. President, I wish to state my position on the amendment proposed by the Senator from Alaska (Mr. Gravel). I have decided to vote against the amendment, because, on balance, I think it would be a mistake to single out this one aspect of U. S. military activity in Indochina. For some years now I have been working as hard as I can to bring an end to all U. S. combat involvement in Indochina. So far, those of us of this persuasion have not been able to make our view prevail in law, or in the councils of the executive branch. Until we can succeed in stopping this whole war—this tragic, misconceived, wasting war which is eating at the vitals of our Nation—I cannot in good conscience tell the President and our military commanders that one particular aspect of the war is what is bothering us and must cease first. I think this bombing program probably falls in the category of the kind of military decision which the Commander in Chief and his professional commanders have a claim to deciding from their own perspective. It is their responsibility to make the tactical and strategic decision about the actual fighting of the war. It is the Congress' duty and prerogative to make the broader, overriding policy decision of whether or not to authorize war.

For this reason, Mr. President, I want to make it clear that my decision to vote against the Gravel amendment in no way lessens my deep, anguished concern over the



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continuing ravage being rained on civilians throughout Indochina through the massive U. S. bombing program. I want this war to end right now. I want the bombing to end with it because the toll of human suffering, which is an inevitable byproduct of any bombing program of this scale, is very great indeed.

Moreover, I want to make it very clear that my vote against the Gravel amendment should in no way be interpreted to mean that I will support a continuation of a U. S. bombing program once U. S. ground forces have been withdrawn, as I hope they will be entirely out by mid-1972. I will not support a continuing role for the U. S. Air Force in support of President Thieu's forces after U. S. ground forces have left. There have been suggestions that just such a situation is being contemplated; that the U. S. should continue to help the ARVN fight the war through continued use of U. S. air power for several more years. I am against this and believe that the Senate will be against it.

I have long been a strenuous opponent of the Vietnam war and I regret that *The Washington Monthly* conveyed a different impression.

JACOB K. JAVITS
R-N.Y.

Regarding my vote against the Gravel amendment to cut off funds for bombing in Indochina, my reason was as follows:

As you know, I have opposed our involvement in the war in Indochina since we first sent troops there, and I have consistently pressed for legislative action to complete the withdrawal of our troops. However, as long as American soldiers are engaged in the fighting in South Vietnam, I cannot support an amendment which would deny them necessary air cover. I felt that the all-inclusive Gravel amendment would have that effect.

FRANK CHURCH
D-Idaho

To vote against the Gravel amendment was a very difficult decision. Over the last three years, I have worked as hard as I could for every possible measure to bring about complete withdrawal of U. S. forces from Southeast Asia and an end to the bloodshed there. Stopping that madness was, and remains, my first priority as a public servant.

Yet despite all our legislative efforts, last October there were still more than 100,000 American men in South Vietnam. And they were still deployed throughout the country in combat positions which exposed them to North Vietnamese attack.

That is why many of us totally opposed to this war were nonetheless concerned that the Gravel amendment carried a needless risk to those men. By failing to distinguish strictly protective bombing from the indiscriminate attacks on civilian areas which we all deplored, the amendment seemed to me only to complicate rather than relieve the tragedy of our continued presence in South Vietnam.

It was that judgment that split the anti-war ranks on this vote, and moved such long-time opponents of the war as Senators Church, Hart, Symington and others to vote against the Gravel amendment. Our choice last October, like all close decisions, may have been mistaken, but it is in no sense hypocritical.

I recognize now as then that the basic purpose underlying the Gravel amendment was right. We must stop this bombing and must bring our men home—for our sakes and for the sake of the people in Indochina. I am working now on legislation with Senator Gravel and others to require complete withdrawal of all U. S. forces and a *total* cessation of bombing within six weeks of enactment contingent only upon the return of our prisoners of war.

Our legislation will clearly spell out that the only bombing permitted during the six-week withdrawal period would be the minimum necessary for the strictly military protection of the U. S. forces leaving Vietnam. It would unequivocally prohibit the bombing of civilian areas of South Vietnam, Laos, Cambodia, Thailand and North Vietnam. Our purpose, in short, is to overcome the basic objection to the earlier amendment by Senator Gravel—to end the bombing, but to do so in a way consistent with the safe and prompt withdrawal of our men from South Vietnam.

I realize that many will find even this limited protective bombing abhorrent. But the political realities here in the Senate are clear. Either we will have anti-bombing legislation which takes account of the concern over protecting withdrawing forces—or we will have nothing. I want to stop the bombing, not simply talk about it.

I want to say in closing that I certainly have no excuse for my initial support of the war in Indochina. I have to live with this mistake, and all its terrible consequences. But since then, my voice and my votes have been against the war constantly, and I make no apologies for that record. I'm going to keep working and speaking out until every American soldier and every American bomber are gone from Indochina.

WALTER F. MONDALE
D-Minn.


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# Our Bombs Fall on People

by George S. Wald

On the morning of Saturday, February 19, I visited a bombed hospital on the outskirts of Thanh Hoa, a large town about 125 kilometers south of Hanoi. The town had been heavily bombed on Sunday, December 26, the first day of the renewed heavy bombing of North Vietnam ordered by President Nixon. That bombing continued for five days and involved 1,000 sorties.

Thanh Hoa has a number of strategic objectives and has been bombed frequently before. Just before entering the town I crossed the Han Rong (Dragon's Jaw) bridge over the Ma (Horse) River, an old steel suspension bridge carrying a single, narrow-gauge track and roadways, started by the French in 1910. Just down the river I could see a pontoon bridge ready to take over in an emergency. The North Vietnamese estimate that since 1965 there have been about 4,200 sorties against the Han Rong bridge, dropping more than 4,000 tons of bombs, not including rockets.

The bombing on December 26 involved about 100 planes, two of which were shot down. Four areas were hit: 1) north of town, 2) the hospital, 3) the village of Dong Vinh, 4) the fields of Dong Tan village. In all

*George Wald teaches biology at Harvard. He has just returned from North Vietnam.*



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there were 33 dead and 48 wounded, most at Dong Vinh. There were no military casualties. Because of the presence of strategic targets, since 1965 the town had ordered schools, hospitals, and commercial establishments to disperse. It is mainly for this reason that casualties were not heavier.

I visited a dispersed portion of the Thanh Hoa provincial hospital which opened in September, 1970. It is three and a half kilometers from town, and, I was told, about three kilometers from the nearest strategic objective. There is a complex of low buildings of bamboo and thatch and two rather handsome brick buildings are under construction. Across the road there is a technical school, training students to be assistant doctors and pharmacists.

At 9:35 a.m. that Sunday, a group of four planes dropped 10 explosive bombs, one ton each, near the hospital. This was followed at 10-minute intervals by two further groups, each of four planes, dropping cluster bombs. I was told that each cluster bomb contains 300 pellet bombs, spherical, about two and five-eighths inches in diameter, with plastic jackets. The cluster bomb explodes in the air, releasing the pellet bombs, which are intended to explode just above the ground, where they will do the most damage. The pellet bombs in this instance did not contain pellets, but the casing itself fragmented into small rectangular pieces of metal each about four by 10 millimeters. Each pellet bomb breaks into about 300 such fragments. The one I was shown had a casing marked L22, was khaki in color, and had been manufactured in August, 1971.

The bombing of the hospital completely destroyed two of the buildings and heavily damaged another. One of the buildings destroyed had been for traditional medicine (Chinese and Vietnamese hospitals ordinarily offer patients a choice between traditional and western forms of treatment). The second building destroyed was the dental clinic. In all, nine persons were killed and 11 wounded. Of the nine killed, four were patients, the others were medical workers and their children. Of the 11 wounded, one was an assistant doctor, one a nurse, and seven were children. Of the seven persons in the nurse's family, four were killed, including her husband and three children. The wounded assistant doctor lost a boy in the raid, and two of his other children were wounded. The first bomb to hit a building threw bodies of patients as far as 20 meters; the head of one patient was found three days later 100 meters away.

I saw and photographed the dental clinic, flattened by the blast from a bomb that had fallen nearby. I also examined the bomb, which had been dug out, and another, a dud.

On the body of the unexploded


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bomb were stamped the words "Mark 84, Model 2. GP2000lbs. Contractor MI. Date mfd.–11-70." I have since identified the manufacturer of this bomb as the Intercontinental Manufacturing Company of Garland, Texas, a subsidiary of the International Control Company, of Fairfield, New Jersey. This bomb also carried an astonishingly fresh paper label, which said, "*From*: Tooele Army Depot, Tooele, Utah. *To*: 3CD Port Chicago (NAD Concord). *Ultimate Consignee*: US NAV WPNS STN CONCORD, CALIFORNIA. *Weight this piece*: 4053." At the small end this bomb carried a part marked "Adapter Booster," bearing the stamped date 8-71. The exploded bomb was also a Mark 84, Model 2, weighing one ton. The fin assembly was marked with the maker's name, "MECO," which I have identified since as representing the Metals Engineering Corporation of Greenville, Tennessee.

I then went through the wards of the hospital, going from bed to bed and examining the patients' records. They included the following:

Girl, Xuong, aged eight. Lower spinal cord cut by a pellet from a fragmentation bomb. Lower body permanently paralyzed.

Baby girl, Thao, three months old. She was being held by her grandfather. Her father had been killed in the bombing; her mother, wounded in the backbone, is in the hospital in town. The baby still has a pellet under her jawbone which will be removed later.

Boy, Chien, three years old. A bomb fragment tore his left arm so badly that the arm had to be amputated just below the shoulder.

Young male, Manh, 20 years old. He was being treated by traditional medicine and was about to be discharged when the bomb struck. Open skull wound with some brain damage, bone broken in forearm, pellet in chest, all results of a fragmentation bomb.

Male, An, 34 years old. Another patient in traditional medicine. Both lower legs shattered and in a cast. Also, so much skin was lost from scraping against the ground that skin grafting will be needed later.

Boy, Thinh, nine years old. Right foot torn off. Crutches.

Boy, Jaing, 13 years old. Son of the vice director of the medical school. Fragments in chest that entered through back.

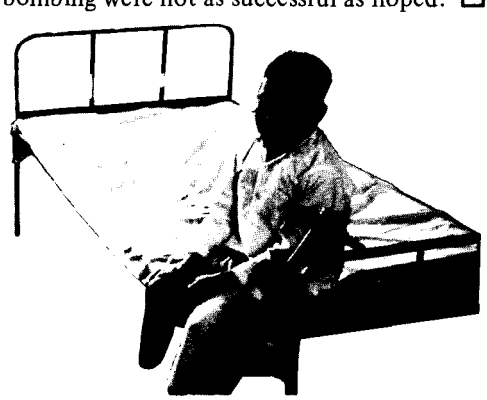
Boy, Hung, 10 years old, son of an assistant doctor. His big brother was killed instantly in the raid, the head blown off and the body disemboweled. Blast wounds on arm. His sister had one buttock blown off.

Girl, Mai, 13 years old, and her sister, Huong, eight. Their mother was a student in the school, being trained as an assistant doctor. The mother and brother were killed instantly. The girls' father had recently been killed in the war. These children had only superficial injuries to feet and other parts. They now, however, have no family.

Boy, Phuc, 12, son of a pharmacy student in the school. A penetrating skull wound, exposing the brain, with some brain damage. He was operated on four hours later.

It was just a cloudy Sunday morning, the morning after Christmas. The visibility was poor, but good enough to bring three groups of planes over this area. As the Associated Press reported on January 3, 1972:

> Bad weather over North Vietnam forced U. S. pilots to pass up a number of important military targets during last week's heavy air raids, the Pentagon acknowledged yesterday for the first time. . . the results of the bombing were not as successful as hoped. □





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# The Poor Man's Welfare Payment to the Middle Class

## by Milton Friedman

A widely distributed, unsigned booklet from the Department of Health, Education and Welfare (HEW) entitled "Your Social Security" begins:

The basic idea of social security is a simple one: During working years employees, their employers, and self-employed people pay social security contributions which are pooled in special trust funds. When earnings stop or are reduced because the worker retires, dies, or becomes disabled, monthly cash benefits are paid to replace part of the earnings the family has lost.

*Milton Friedman teaches economics at the University of Chicago. This article is adapted from* Social Security: Universal or Selective?, *a debate between Milton Friedman and Wilbur J. Cohen, published this month by American Enterprise Institute.*

This is Orwellian doublethink.

- Payroll taxes are labeled "contributions" (or, as the Party might have put it in the book, *1984*, "Compulsory is Voluntary").

- Trust funds are conjured with as if they played an important role when, in fact, they are extremely small ($32.5 billion as of December, 1970) and consist simply of promises by one branch of the government to pay another branch. Over a decade ago the Social Security Administration estimated that the present value of the old age pensions already promised to persons covered by social security (both those who had retired



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and those who had not) was over $300 billion. The corresponding sum must be far larger today. That is the size of the trust fund that would be required to justify the words of the booklet. ("Little is Much.")

■ The impression is given that a worker's "benefits" are financed by his "contributions." The fact is that taxes currently being collected from current workers are being used to pay benefits to persons who have retired or to their dependents and survivors. No trust fund in any meaningful sense is being accumulated. ("I am You.")

A worker paying taxes today can derive no assurance from trust funds that he will receive benefits when he retires. Any assurance derives solely from the willingness of future taxpayers to impose taxes on themselves to finance benefits being promised by present taxpayers to ourselves. This one-sided "compact between the generations," foisted on generations that literally cannot give their consent, may be sufficient assurance, but it certainly is a very different thing from a "trust fund." A chain letter would be a more accurate designation.

The HEW booklet goes on to say, "Nine out of 10 working people in the United States are now building protection for themselves and their families under the social security system."

More doublethink. What nine out of 10 working people are now doing is paying taxes to finance payments to persons who are not working. The individual worker is in no sense building protection for himself and his family—as a person who contributes to a private vested pension system is building his own protection. Persons now receiving payments are receiving much more than the actuarial value of the taxes that they paid and that were paid on their behalf. Young persons who are now paying social security taxes are being promised much less than the actuarial value of the taxes that they pay and that are paid on their behalf.

More fundamentally yet, the relationship between individual contributions (that is, payroll taxes) and benefits received is extremely tenuous. Millions of people who pay taxes will never receive any benefits attributable to those taxes because they will not have paid for enough quarters to qualify, or because they receive payments in their capacity as spouse. Persons who pay vastly different sums over their working lives may receive identically the same benefits. Two men or two women who pay precisely the same taxes at the same time may end up receiving different benefits because one is married and the other is single. A man who continues working after age 65 will be required to pay additional taxes, and yet may receive no benefits at all. This list can be extended indefinitely.

Social security programs involve annual expenditures of roughly $43 billion. These programs appear on balance to transfer income from relatively low-income classes to middle- and upper-income classes. They are flourishing, are widely regarded as highly successful, and seem destined to expand.

Welfare programs involve annual expenditures of $15 billion. These programs appear on balance to trans- the income from middle- and upper-income classes to lower-income classes. They are in a state of crisis, are widely regarded as intolerable, and

*Answers to April puzzle:*

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seem destined to be transformed.

My own attitude toward the two programs is almost the reverse. Bad as the welfare mess is, at least public assistance does go mainly to needy persons who are at lower income levels than the persons paying the taxes to finance the payments. The system badly needs reform, but at the moment it serves an essential social function. It seems impossible to eliminate it promptly, even though its elimination should be our long-term objective. On the other hand, social security combines a highly regressive tax with largely indiscriminate benefits, and I believe that it serves no essential social function. Existing commitments make it impossible to eliminate it overnight, but it should be unwound and terminated as soon as possible.

As I have gone through the literature, I have been shocked at the level of the arguments that have been used to sell social security, not only by politicians or special-interest groups, but more especially by self-righteous academics. People who would not lie to their children, friends, or colleagues, whom I would trust implicitly in personal dealings, have propagated a false view of social security—and their intelligence and their exposure to contrary views make it hard to believe that they have done so unintentionally and innocently. The very name—old age and survivors insurance—is a blatant attempt to mislead the public into identifying a compulsory tax and benefit system with private, voluntary, and individual purchase of individually assured benefits. What am I to make of professors at leading institutions, of high-level bureaucrats, of cabinet and sub-cabinet officials who compare the future benefits promised to young workers solely with the tax nominally levied on employees, often not even mentioning the equivalent tax levied on employers? They know very well that common sense, economic theory, and empirical evidence all support the view that the distinction between the social security tax paid directly by the employee and the tax paid by the employer is primarily the label attached to components of the employers' cost of labor. Both are proportional to wage rates; both enter labor costs; both are borne equally by the employee.

Or what am I to make of high-minded gentlemen protesting in one breath the accuracy of the insurance terminology and objecting in the next to full payment of benefits to persons between 65 and 72 who continue to work on the ground that the "need" of these elders is less than that of other persons to whom the money could be paid. If, indeed, the benefits are linked to "contributions," the need argument is irrelevant. If the criterion of need is relevant, then the talk about "insurance," about benefits linked to "contributions," is simply hogwash.

## Taxing Security

The social security tax is a flat-rate tax on covered earnings up to a maximum. As of early 1971, the rate of Old Age and Survivors Insurance (OASI) alone is 8.1 per cent, split between employers and employees, and 6.075 per cent on the earnings of the self-employed, in both cases up to the maximum earnings of $7,800. The rate for OASDHI (Old Age, Survivors, Disability, and Hospital Insurance) is 10.4 per cent on wages and 7.5 per cent on the earnings of the self-employed, and there is an additional tax for unemployment insurance. Coverage is by now nearly universal.

What can we say about this tax viewed solely as a tax?

1. This is a very heavy tax on very low incomes. For most persons with incomes less than the maximum covered, the social security tax is many times larger than the personal income tax.

2. The tax is regressive because of the maximum limit and the absence of exemptions.

3. It is hard to see any excuse for the differential between the rates on



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# Nicholas von Hoffman on Social Security

Social security is so rooted in people's minds as an unmitigated good that few will listen to anything that sounds like criticism of it. Eight years ago in a rollicking and more lighthearted presidential campaign, Barry Goldwater made the mistake of bringing the subject up. Everybody thought he was a nut—myself included—but now I'm beginning to wonder if I wasn't crazy to heed the voice of my preconceptions instead of listening to what the man was saying.

The government collects an unbelievably large amount of money from social security taxes. Something like $42 billion dollars last year, and you know that whenever they're raking in that kind of money, there's bound to be something fishy. The first fish is how heavily this tax comes down on the poor. Last year a person making $7,800 paid five per cent of his income to social security while someone making $30,000 paid slightly more than one per cent.

Nor do the benefits in favor of the well-to-do end there. A rich, retired person living on annuities, stock dividends, or any other form of unearned income can get full social security benefits without paying any taxes on it. A poor person trying to supplement his social security pension by earning money will find himself penalized up to and beyond 100 per cent of his pension, depending on how much he makes. The longer you look at the social security system, the less sense it makes. The poor pay larger proportions of their incomes into it, but get less out of it than the rich, who draw more benefits from it because they live longer; but single people and women also get the short end of the stick. An unmarried person is entitled to only two-thirds the benefits of a married couple, although he may have paid in as much or more.

A married woman worker can't receive the money which ought to be owed her as both a wife and a worker. The rules are so illogical that a working couple can wind up with lower benefits than a couple in which only one partner worked.

When you look over the whole system and you see who's paying how much and who is getting how much and when, it might be a good idea to abolish social security entirely. In place of it, the government could guarantee everybody . . . under a certain income a large, fat, full pension, a pension that would be paid for by a graduated income tax.

—*from* the Washington Post



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wages and salaries and on earnings from self-employment.

4. Several categories of employment are excluded from the program altogether. This is unjustifiable from the tax point of view, but it is now trivial.

5. No allowance at all is made for family size.

6. The tax is solely on realized income from personal services. All property income is excluded, along, of course, with imputed income from services.

7. The tax rate is raised drastically for persons between 65 and 72 who are eligible for benefits, choose to work, and earn more than $140 a month. The marginal social security tax rate on earnings from $140 a month to $240 a month is 60.4 per cent, and from $240 a month until benefits are reduced to zero, 110.4 per cent. When the unemployment taxes and federal, state, and local taxes are included, the overall marginal rates are still higher.

8. The tax has risen very rapidly. Tax receipts for OASI alone have risen more than 11-fold from 1950 to 1970, and the average tax paid per covered person, by over 7.5-fold.

The payroll tax is almost surely far and away the most regressive element in our tax system and a significant disincentive to work. Over 10 per cent of any worker's wage cost, at the low levels, which means up to $7,800 now and it will be $9,000 soon, is taken out and sent to social security. Indeed, one of the great problems of providing sufficient incentive for a person to get off welfare is that, if he takes a job, then besides any reduction in his welfare benefits, he has to start paying social security taxes. He has to pay 10.8 per cent of his wage cost in taxes, and that raises the marginal rate.

I was astounded when I went through these figures. I had always thought that disincentive to work was associated with the high rates of the personal income tax. I am now persuaded that the social security tax is a greater disincentive to work than the personal income tax, because it hits people lower down; it hits people who have the alternative of relief and it hits them hard.

## Special Interest Rag Bag

I have long believed that the major defect of our present arrangements is the proliferation of special programs either for special groups or special commodities: OASDHI for some retired or disabled, Old Age Assistance for others, unemployment insurance, aid to the blind, Aid to Families with Dependent Children, food stamp plans, public housing, urban renewal, medicaid, farm subsidies, etc. Whatever the good intentions of the initial proponents of these programs, the programs tend to become the preserve of special vested interests and come to serve purposes very different from those that they were initially designed to serve.

The total amount of money spent on these and similar programs, federal, state, and local, exceeded $75 billion in 1969-70. If this were divided among the 24.3 million persons classified as "poor" in 1969 under the arbitrary social security definition (4,950,000 families plus 4,851,000 unattached individuals), it would come to over $3,000 per person, a sum that nearly equals the average income of all persons in the United States. The problem is not that the government is spending too little on redistributive programs, but that most of the money spent is not going to the poor.

The correct direction in which to move, I believe, is to replace all these programs by a single program designed to give assistance to persons with low incomes, regardless of the reason why their incomes are low—whether because they are old or unemployed, unskilled or ill, physically or mentally handicapped, or whatever. Such a comprehensive program would cost far less each year than the present ragbag of programs. Yet it would


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come far closer to alleviating true distress.

How can the existing program be wound down without doing injustice to persons now covered? My agenda is as follows:

1. Repeal the payroll tax.
2. Terminate any further accumulation of benefits.
3. Enact a negative income tax, treating benefit payments under social security as income for purposes of determining eligibility for benefits.
4. Continue to pay all existing beneficiaries the amounts that they are entitled to under current law, except that these amounts should automatically be escalated over time by any changes in the cost of living. This will meet our commitments in real, not nominal, terms. Give such beneficiaries an option to accept a capital sum equal to the present value of the payments instead of continuing payments.
5. Give every worker who has earned coverage under present law a commitment to the retirement and survivors' benefits that he would be entitled to under present law, given his present tax payments and earnings record. This commitment would be in the form of *either* a promise to pay the specified annual sum at the future date when under present law he would be entitled to the sum *or* government bonds equal in market value to the present value of those benefits, calculated at the market interest rate on government obligations of corresponding maturity, at the option of the worker.
6. Give every worker who has had taxes paid on his behalf but has not yet earned coverage a capital sum equal to the accumulated value of the taxes that have been paid on his behalf.
7. Finance payments under 4, 5, and 6 out of general tax funds plus the issuance of government bonds.

Note that in the main these items simply recognize explicitly and fund obligations that now exist in an unfunded form. They do not add in any way to the true debt of the government, but simply terminate the accumulation of any further obligations. These steps would enable the bulk of the present social security administrative apparatus to be dismantled at once. It would be necessary to keep only a declining staff to administer item 4.

## Reforming a Sacred Cow

Social security is in no meaningful sense an insurance program in which individual payments purchase equivalent actuarial benefits. It is a combination of a particular tax—a flat-rate tax on wages up to a maximum—and a particular program of transfer pay ments, in which all sorts of considerations other than the amount paid determine the amount received. Hardly anyone approves of either part separately. Yet the two combined have become a sacred cow. What a triumph of imaginative packaging and Madison Avenue advertising!

The argument against reform seems to be that social security's disproportionate benefits to the middle class are the political price of getting the program enacted, and that any program designed explicitly for the poor "will most likely be a poor program." What puzzles me is this. Are we really helping poor people by saying to them, "Here is a program under which we will take two dollars from you and give you one back, and we can get that program passed, but we can't get a program passed which will take a dollar from you and give you a dollar back"?

If that is the case, it seems to me that if I were one of those poor people—if I were one of the people to whom we are saying, "Don't worry, we'll take care of you, we promise that for every two dollars we take from you, you will get one back"—I would repeat Thoreau's comment: "If I knew for a certainty that a man was coming to my house with the conscious design of doing me good, I should run for my life." □



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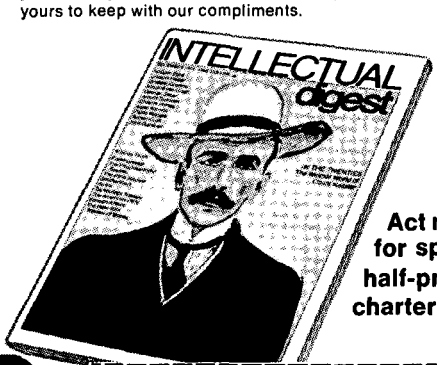


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WASHINGTON, D. C. 20530

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TO: All Employees

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J ERRIS LEONARD
Administrator

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# The Pittston Mentality: Manslaughter on Buffalo Creek

by Thomas N. Bethell and Davitt McAteer

Buffalo Creek, in Logan County, is reasonably typical for the southern part of West Virginia—a long, winding hollow, snaking between steep ridges on both sides for more than 20 miles from the town of Saunders, at its headwaters, to the town of Man, where the creek empties into the Guyandotte River, which flows north to join the Ohio River at Huntington. The narrow valley is just wide enough for the creek, the railroad, and an almost unending line of company-built houses stretching along both sides of the tracks. There are occasional wide places in the valley where tributaries flow into Buffalo Creek, and in the wide places there used to be towns—small towns that nobody ever heard of, places like Kistler, Crown, Accoville, Braeholm, Fanco, Becco, Amherstdale, Robinette, Latrobe, Crites, Stowe, Lundale, Craneco, Lorado, and Pardee. Some of the names come from coal companies that no longer exist. As coal towns go, these were old, most of them built before World War I. They were in varying stages of decline. Some of them were not much more than post-office addresses. The old frame two-family houses were settling unevenly. Some had collapsed altogether. Others, considering their age and the haste with which they had been built, were in surprisingly good shape. As a general rule, if a house was freshly painted you could assume that a working miner lived there.

The population of Buffalo Creek has fluctuated with the times, declining when the industry declined, recovering when the industry recovered. In 1970, coal had its best year since 1947, and a rosy glow of optimism suffused National Coal Association predictions for the future. Big companies opened new mines along Buffalo Creek and stepped up production in their old ones.

When coal comes up out of the ground, the impurities that come with it are separated out in preparation plants—tipples, as they are more commonly called. The coal rolls away in long, black trains; the impurities stay behind, and something has to be done with them. They have a way of accumulating with staggering speed: a ton of raw coal generally contains up

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to 25 per cent of extraneous material, and a good-sized tipple, handling the production of several mines at once, will separate out thousands of tons of waste every day. Miners have different names for it—"gob" or "slag" or "culm"—but whatever you call it, it still has to be piled somewhere. In the crowded hollows of West Virginia, finding places to pile slag is a problem of major proportions. As a general rule, no engineer is ever called in to consult on the best and safest locations. Instead, the company superintendent simply hunts around for some vacant space convenient to his tipple, and the slag is dumped there, either by trucks climbing up a mountainside and dumping down the slope, or by an aerial tramway strung between peaks and dumping in the middle. Whatever system is used, the slag is piled up until it is higher than the dumping spot, and then a new pile is started.

## Facing the Gob

Since 1946 a tipple has been in operation at the head of Buffalo Creek. The plant was built by the Lorado Coal Mining Company, a mostly local outfit that sold out to the Buffalo Mining Company in 1964. Buffalo Mining, in turn, sold out in 1970 to the Pittston Company, which is headquartered in New York and is the largest independent producer of coal in the United States. All this time the tipple continued in operation. And all this time it grew. Originally designed to process coal from a single mine, it was expanded periodically as new mines were opened nearby. By 1972 Pittston was operating a total of eight mines in the Buffalo Creek vicinity—five of them underground, three of them stripping jobs. The coal from all eight was processed in the single tipple. On average, the tipple operated six days a week, two shifts a day, handling about 5,200 tons of raw coal daily, shipping out about 4,200 tons of cleaned coal on the long Chesapeake and Ohio trains. That meant that every day a thousand tons of gob, more or less, had to be dumped.

Three tributaries run into Buffalo Creek near the Pittston tipple. From 1947 until about 1955, the refuse was dumped along the hillside a few hundred yards upstream from the tipple, but by 1955 the available space was mostly exhausted and the tipple began dumping a little farther away, across the mouth of a small hollow where the Middle Fork tributary met the creek. At first the gob pile grew slowly—it had to, because most of the hollow behind it was occupied by miners living in company houses. But when production at the tipple increased, the growing gob pile began to menace the houses, and the miners were forced out. The houses were abandoned—some of them were knocked down for the lumber—and the gob was dumped where they had stood. The families moved away, some of them out of West Virginia entirely, some of them only a few hundred yards, settling in vacant houses in the small community of Saunders, which stood facing the gob pile at the intersection of Middle Fork and Buffalo Creek.

## Saunders Was Gone

The gob pile grew, and grew, and grew more swiftly as the tipple kept expanding production. At first this grotesque black mountain was only an eyesore. Later it became a source of air pollution and a fire hazard. Gob piles may be nothing but waste, but much of that waste is flammable, and a combination of compaction and oxidation can result in spontaneous combustion. Once a fire gets going deep within a gob pile, extinguishing it is nearly impossible. The fire smoulders, sometimes bursts into open flame, fouls the sky with acrid smoke, and occasionally produces an explosion. The federal Bureau of Mines has spent millions of dollars in research on the problem, but the end result is that hundreds of gob piles are smouldering in the Appalachian coalfields right



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now, and nothing is being done about them. The gob pile at Middle Fork began burning years ago and kept on smouldering.

As the dumping continued, another problem arose. Tipples require vast quantities of water in the cleaning-separating process, but water can be a scarce commodity at times in West Virginia. Partly to provide itself with a reliable year-round supply of water, partly to comply with new state regulations governing stream pollution, Buffalo Mining began to build a series of settling ponds in 1964 (previously the contaminated wash water had simply been sluiced directly into Buffalo Creek, despite the objections of people who liked to fish there). The ponds were created by building retaining dams in the most immediately convenient location—on top of the huge Middle Fork gob pile. By that time the pile had reached stupefying proportions: as high as a 10-story office building, 600 feet across, stretching back into the hollow more than a quarter of a mile. Seeping down through the pile and wandering across the top, the waters of Middle Fork ran sluggishly to join the main stream of Buffalo Creek. Damming the water was a relatively easy task, using the material closest at hand: mine waste. No civil engineer in his right mind would permit the construction of a dam from such materials—as many a civil engineer would later confirm—but no engineer, it now appears, was consulted.

In operation, the settling ponds not only contained runoff water from the hills, but refuse-filled water piped from the tipple. The solid refuse would settle out and clear water could be piped back to the tipple. The first of the ponds impounded a relatively small volume of water, however, and it silted up within a couple of years. A second dam was built in 1967, slightly farther upstream. When the tipple was operating full blast, it required 500,000 gallons of water a day, pumping back between 400 and 500 gallons of waste-filled water every minute. Some of the water would seep out through the porous dam, but the waste settling to the bottom—500 tons every day—rapidly filled the pond, and a third dam was built in 1970. Again, no engineering was involved—just truckloads of mine waste, a bulldozer to push them around, and *presto!* a dam grew across the hollow, built of nothing but junk, standing on a foundation of slime and silt and dead trees. The trees were there because nobody had bothered to cut them down. It was simpler and faster just to dump on top of them.

In West Virginia, February means snow and rain. February meant it this year, as always. In Logan County, there were heavy snows and flash floods—but they were, as the state meteorologist would later point out, "nothing uncommon." At the head of Buffalo Creek, the waters rose behind Pittston's makeshift dam. Early on the morning of February 26, Pittston's local mine boss, Steve Dasovich, sent a bulldozer operator up the access road to the dam with instructions to cut a drainage ditch to relieve the pressure from the swollen lake. The access road winds around a mountainside, with the dam out of sight much of the way. When the bulldozer operator finally came around the last bend and looked through the rain at the dam, he saw with a sudden, terrible shock that it wasn't there.

The dam was gone, and 21 million cubic feet of water and an immeasurable mass of mud and rock and coal wastes were charging through the narrow valley of Buffalo Creek. From where he sat on his suddenly useless machine, the bulldozer operator could look down toward the little town of Saunders—a town consisting of nothing more than a church and some two dozen houses. Now it consisted of nothing at all. Saunders was gone, eradicated completely. Beyond Saunders, the valley curved away out of sight, but the air was filled with the terrifying sound of the flood bearing down on the 15 communities in its path.


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## Father of Strip-Mining

There are no slag heaps on Park Avenue and no floods will ever wash through the offices of Joseph P. Routh unless the island of Manhattan sinks into the sea. Thirty-five floors up in the Pan American building, the chairman of the Pittston Company has a commanding view. When he looks down to the street below, he can see Brinks armored trucks moving the wealth of America from place to place. The trucks belong to Joe Routh. A good deal of the money does, too.

Routh is 79 now, and he has been making money longer than most men have been alive. He was already a power to be reckoned with when the Pittston Company, which then operated a dozen anthracite mines in Pennsylvania, stumbled into bankruptcy during the Depression. A friend at Manufacturers Trust suggested to Routh that he take over the company and lead it out of the wilderness. The bank sweetened the offer with a $10-million loan—essentially unsecured, since there would be no way to recoup the loss if Pittston went under—and Routh moved in. Anthracite, he concluded, was a dying industry. The future lay in the vast bituminous fields of Virginia and West Virginia. He unloaded most of Pittston's properties in Pennsylvania and began buying up tracts of coal in central Appalachia.

At a time when coal prices fluctuated wildly, he had discovered that the best way to tear loose a chunk of coal in time to take advantage of favorable trends was to strip it from the mountainsides, rather than go through the difficult, two-year-or-more process of engineering and constructing a deep mine. By 1950, when strip-mining was still an infant industry in Appalachia and conservationists hadn't the foggiest notion of the plague to come, one of Routh's companies, Compass Coal, was profitably tearing the hills of Harrison County, West Virginia, to shreds. Since there were no state or federal reclamation requirements, no money had to be spent on binding up the wounds. It must have been the best of all possible worlds, unless you lived near one of Routh's mines. He, of course, didn't.

Routh kept himself busy with other conquests, picking up coal companies in Kentucky, West Virginia, and Virginia, buying up trucking companies and warehouses in New York, enlarging his oil-distributing operations, hatching long-range plans for a giant refinery on the Maine coast. Money flowed from Routh's various holdings into his Manhattan office in a never-ending stream, and Routh bought Brinks, Inc., to carry the cash in his own armored cars.

## An Act of God

Despite abundant evidence that he was in no danger of going soft, Routh decided in 1969 to bring in a new president. He looked around for a man to match his own toughness and found one—a 53-year-old native of West Virginia named Nicholas T. Camicia who had already made a mark in the industry as a notable scrambler. "The coal industry is run by men who got where they are by not being nice," says one former federal official in a position to know, "and when Camicia smiles, you can hear his jaws making a special effort." Routh liked him fine.

But Camicia already had a good job when Routh approached him about taking over Pittston. Routh reportedly told him to write his own ticket, possibly remembering his own reluctance to sign on until Manufacturers Trust gave him the $10 million to play with. Camicia did, in fact, write his own ticket, putting his signature to a contract that has never been publicized, but makes fascinating reading in the archives of the Securities and Exchange Commission. The contract runs until 1976 and guarantees Camicia not only a minimun salary of $100,000 (increased now to $134,000), but stipulates that a deferred salary of $25,000 will be set



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aside each year, compounded, and paid out to him in 120 monthly installments whenever he quits or gets fired; if he reaches retirement age before that happens, he also qualifies for a hefty pension. The contract also appears to have included some highly attractive stock options; SEC records show, for example, that Camicia picked up 7,200 shares, worth approximately $270,000, for a price of $78,000–less than a third of their market value. That wasn't all. Camicia was living comfortably in an exclusive Chicago suburb when Routh signed him up; in return for agreeing to move to New York, Camicia got Pittston to buy his house for $90,000 and furnish him, cost-free, an equivalent home within commuting distance of Manhattan. He went to work for Joe Routh, reportedly satisfied with the terms of his employment.

If ever there was any doubt that Routh and Camicia were a pair of industry touchdown-twins, it was dispelled early in 1970, when Pittston signed a contract with the Japanese steel industry. The Japanese wanted a long-term contract and were willing to make concessions to get a reliable supply of American coking coal. By 1970 Pittston had gained control of a third of all the available commercial metallurgical coal in the U. S., and no one could offer more reliability than Routh and Camicia. They would not offer it without certain stipulations, however. The contract they signed with the Japanese calls for Pittston to deliver 140 million tons of coal over the next 10 years at a reported average of $15 per ton, which is about twice the going rate elsewhere.

Pittston's directors were so happy last year that they boosted dividends twice and voted themselves a three-for-one stock split to boot. The company now has more than 50 mines working, with nine more under development, and there is no end to the good times in sight.

Is everybody happy? No. Federal mine inspectors in Appalachia are not pleased with Pittston's safety record; they never have been particularly pleased with it, but the past couple of years have been especially bad. Nine miners lost their lives in 1971 in Pittston mines (two of them in the newly acquired Buffalo Mining division), another 743 were seriously hurt, and the company's accident frequency rate was one of the highest in the coal industry. The record in 1970 was even worse: 18 dead. Investigators found that in a solid majority of the fatal accidents bad management practices (rather than personal carelessness) were to blame. "The company appears to be sincere in its desire for health and safety throughout its mines," one inspector wrote. "This desire," he added drily, "is not always fulfilled." Not always. All told, some 98 men have been killed in Pittston's mines in the past decade, and a 1963 explosion in which 22 men died still ranks as one of the worst of recent disasters. Three or four thousand men have been seriously injured or maimed in the company's mines since 1962, and the U. S. Public Health Service estimates that as many as 5,000 Pittston miners may have developed pneumoconiosis during that time. The profit margin of the new Japanese contract is a reported 24 per cent, almost three times the normal profit margin in the coal industry; you can't help marveling at how much of that money will be going back to the disabled derelicts living out their lives in Appalachia after destroying themselves to help make Joe Routh a millionaire for the third or fourth time.

Pittston's stockholders don't have to concern themselves with such things, because they don't hear about them. The company's handsome four-color annual reports talk about money, not about people. There are pictures of freshly painted oil storage tanks, spotless armored trucks, gleaming computer banks–and aerial pictures of the long, black coal trains winding their way through seemingly virgin Appalachian valleys. The pictures are taken with care: on the


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inside back cover of the 1971 report there is a color shot of lovely hills and hollows with a sturdy complex of mine buildings prominent in the foreground. "Aerial view of the Lorado Mine of newly acquired Buffalo Mining Company," the caption reads. Beyond the mine, railroad tracks stretch away, disappearing behind a hill. If you could see beyond that hill, you would see the massive, smouldering gob pile that stood at the head of Buffalo Creek, and on top of it the jerry-built dams that Pittston used with its preparation plant. But those things are not part of the picture, not part of the annual report. As far as Pittston's stockholders were concerned, they never existed—not until the morning of February 26, when suddenly the dams collapsed and the burning gob pile erupted and all hell broke loose.

Helicopters were still thrashing back and forth between Buffalo Creek and the nearest hospitals when reporters began calling Pittston's New York headquarters to find out what the company had been doing to cause such a monstrous disaster. Camicia and Routh weren't available, wouldn't answer the telephones, wouldn't return calls. Finally, Mary Walton of the Charleston *Gazette* flushed out a Pittston lawyer who insisted on remaining anonymous, but was willing to give the company's point of view. "It was an act of God," he said.

## Dasovich's Yardstick

" 'Act of God' is a legal term," Robert Weedfall remarked when he heard about Pittston's explanation of the flood. "There are other legal terms—terms like 'involuntary manslaughter because of stupidity' and 'criminal negligence.' " Weedfall is the West Virginia state climatologist, the man who keeps track of basic acts of God such as rain and snow. He was in a better position than anyone else to know whether there could be any possibility that Pittston's dam had collapsed from natural causes, and he was convinced that it had not—could not have—not by any stretch of the imagination. There had been heavy rainfall in Logan County during the week of February 26, and considerable flooding. But it was nothing uncommon for February, Weedfall said, and he had the statistics to prove it. When reporters called him they were impressed with his conviction. Pittston officials had called, too, looking for ways to document their private theory of divine intervention. Weedfall wasn't much help.

Nor were the technical specialists of the Department of the Interior who arrived from Washington and, in the aftermath of the disaster, poked and probed among the ruins in search of clues. The U. S. Geological Survey sent a crew, as did the Bureau of Mines; the Bureau of Reclamation summoned a former chief of its Earth Dams Section from retirement. The investigators examined the remains of the dam in microscopic detail, interviewed Pittston workers and company officials (who would not talk to reporters), and pieced together a convincing account of what had happened and why. None of the investigators showed any doubt that the dams had been badly engineered. Fred Walker, the retired Bureau of Reclamation expert, went further, refusing to use the word "dam" to describe the structures. "Locally these barriers are called dams, but to me this is unacceptable nomenclature," he wrote. "These structures were created by persons completely unfamiliar with dam design, construction, and materials, and by construction methods that are completely unacceptable to engineers specializing in dam design."

West Virginia law, Walker noted, "requires permits, approval of plans, and inspection during construction for impoundments more than 10 feet deep. I was unable to find that such requirements had ever been complied with." Suggesting that similar potentially disastrous situations could be found elsewhere in the coalfields, Walker commented scathingly that



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"fortunately most of these barriers are built in valleys that have small watersheds above them, as apparently little if any consideration is given to the flood hazard involved."

Pittston's consideration of the flood hazard at Buffalo Creek seems to have begun at 4 p.m. on February 24—exactly 40 hours before the so-called dam collapsed—when Jack Kent and Steve Dasovich drove up to survey the situation. Kent was superintendent of Pittston's stripping operations in its Buffalo Mining division; Dasovich was superintendent of the tipple. The water was rising behind the newest of the three dams. A federal mine inspector had driven past on the previous day and recalled later that the water seemed to be about 15 feet below the top; now it was within five or six feet. According to the Bureau of Mines report, Kent and Dasovich "agreed that neither the dam nor the rising water presented danger of collapse or flooding at that time." The report makes clear that they were concerned only with the possibility of water overflowing the dam; they seem to have been untroubled by the possibility that the dam might simply give way, even though it was settling visibly in places—and even though part of it had given way almost exactly a year earlier during the rains of February, 1971. (It had been under construction then, with not much water backed up behind it, and there was little damage.) Kent stuck a measuring stick into the sludgy surface of the dam, with the top of the stick about a foot below the top of the dam. It was raining; Dasovich and Kent decided to keep an eye on things.

Kent was back at the dam 24 hours later to check his measuring stick. The water was up about a foot and a half. Rain was still falling. Kent, who lives in an imposing home a few miles below the dam, decided to start checking the water level every two hours. He found that it was rising about an inch an hour. At 3:30 a.m. on February 26, peering at the stick with the aid of a flashlight, Kent saw to his alarm that the water was rising faster—two inches an hour, maybe more. An hour later the level was up three inches more and the measuring stick was almost covered. Kent telephoned Dasovich and asked him to come take a look. By the time Dasovich arrived the stick had disappeared entirely and the water was only about a foot below the top of the dam.

According to the Bureau of Mines investigators, Dasovich decided to cut a ditch across the dam; he had some drainage pipe on hand and intended to use it to relieve the pressure. He called some of Jack Kent's strip-mine bulldozer operators at home and told them to go to the stripping operation —some three or four miles away—and bring their machines to the dam. Kent, meanwhile, made some calls, too; "he telephoned several families in the Lorado and Saunders area after his 4:30 a.m. examination," Bureau investigators reported, "and advised them of the rising water and the possibility of the dam overflowing." Three hours before the dam broke, in other words, the disaster had been foreseen by someone in a position to do something about it. A telephone call to the state police—who could have traveled the entire length of Buffalo Creek by 7 a.m., ordering a general evacuation—might have saved more than a hundred lives. But the call was never made. And the drainage ditch was never dug, because the dam had given way before the bulldozers arrived.

## Walking in Soup

You can find Jack Kent at home—his house is on high ground and survived the flood untouched—but he doesn't like to talk to reporters. His eyes tell everything; there is no need for words. Dasovich seems to have disappeared entirely—he was in a nearby hospital after the flood, being treated for shock, and nurses said later that he was hysterical, blaming himself for the tragedy. Still later he was reported to have been admitted to a


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private psychiatric clinic—still later, released. The federal investigators have not yet talked to him and some of them, knowing now what they do about the dam, see no need. "He knows what was up there," one of them said. "He'll *always* know what was up there."

Other men knew, too. In the community of Saunders there was general concern about the safety of the dam, and on the night of February 25, most of the families who lived nearby decided, on their own, to take refuge in a schoolhouse five miles down the creek at Lorado. The decision saved their lives; the schoolhouse survived the flood, but when the families returned to Saunders to look for their homes, there was nothing to be found. No homes, not even the foundations; everything was gone, everything except an appalling sea of slowly settling, black, foul-smelling sludge.

Off and on during the night, in the last few hours before the dam broke, miners went up to have a look at it—there were rumors spreading that it was going to go, but no one really seemed to know. Dasovich reportedly was telling people that things were under control. About 6:30 a.m., according to the federal reports, a miner saw ominous signs of what was coming. "The dam was moving like a bridge moves under heavy traffic," he remembered later. "Water was coming through the dam. . . not much, but it was causing the lower lake to fill up fast." By 7:30, according to another eyewitness account, "the top of the dam was moving back and forth. . . the dam was settling down and shoving forward." Trying to walk anywhere in the vicinity of the dam was "like walking in soup—it had gotten real, real juicy, buddy, all the way down. I got in the car and got the hell out of there."

The top of the dam was lower on one side than on the other, apparently from foundation settling, and now the top was slumping still further, with a momentum that could not have been stopped by an army of bulldozers. One of the several federal reports theorizes that the water level rose quickly during the night, not just because rain was falling, but because the dam had been collapsing slowly into the lake for several hours. But even while the rain continued, the tipple went on pumping its 500 gallons a minute into the sludgy lake behind the dam.

## 30-Foot Flood

Whatever happened in the night, it was morning now, and there was enough light to see what was happening. Apparently no one saw the actual moment when the dam finally gave way. It seems to have happened very fast, the dam settling until water was running across the top, the water cutting a cleft into the dam, more water hurrying through, and then complete and total collapse, and millions of gallons of water and hundreds of thousands of tons of sludge streaming across the top of the slag pile at the beginning of catastrophe.

The water cascaded into the burning section of the slag heap and erupted in a volcanic explosion. Men were coming off shift at the tipple and saw what was happening; they saw a mushroom cloud burst into the air from the explosion, saw mud and rock thrown 300 feet into the sky, saw the windshields of their pick-up trucks covered with steaming mud. They raced back up the road and tried to use the telephone at the tipple to send out a warning, but the line was already dead. The tipple was safe—it was upstream, up another fork of the creek, out of the path of the destruction—but the men were cut off from the main stream of Buffalo Creek and there was no way they could help anyone. They could only watch as the water and sludge crested over the top of the exploding gob pile and burst into the valley, "boiling up like dry flour when you pour water on it."

The flood traveled at first at a speed of at least 30 miles an hour—in a solid wall 20 or 30 feet high. People



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who saw it coming as they headed up the Buffalo Creek road barely had time to throw their cars into reverse, turn around wherever there was room, and head back downstream, leaning on their horns, flashing their lights, trying to warn other people who had heard the explosions but still did not know what was happening. There was very little time to do anything. It takes a few seconds to collect your wits when you see a wall of water bearing down on you, especially when you live in a valley where there are only a few exits—hollows running at right angles to the main valley. For most of the people who died, it was like being in the barrel of a gun and seeing the bullet coming. There was nowhere to go.

That so many people did escape is something of a miracle. Nearly 5,000 people lived in the path of the flood. Probably a thousand were caught up in it, battered, left shaken and sometimes badly hurt, but alive. From the wreckage of 16 communities, the bodies of 118 people have been found. There are others still missing; the final toll may be close to 150.

## The Only Life They Knew

What happens after a disaster of such magnitude? There are inquiries, of course, and inquiries are under way in West Virginia. But in Appalachian affairs, the official response tends to have a common theme. After the Farmington mine disaster killed 78 miners, it was an Interior Department assistant secretary who said brightly: "We don't know why these things happen, but they do." After the 1970 mine explosion that killed 38 men in Kentucky, it was a newly installed director of the Bureau of Mines who said: "We can almost expect one of these every year." While the search for bodies was still continuing in Logan County, West Virginia's Governor Arch Moore was already defending the Pittston Company: the sludge-built dam had served a "logical and constructive" use by filtering mine wastes that would otherwise have gone unfiltered into Buffalo Creek. It didn't seem to matter much how the thing was built. The state legislature chose not to investigate, instead, leaving to the governor the selection of an official commission which would be told to report back by the end of summer. "It's easy to say that the dam shouldn't have been there," Moore said at one point. "But it had been there for 25 years." He was technically wrong, of course, but the inference seemed to be that if a hazard simply exists long enough, it has a right to be left alone. And by the same token, the Governor made it painfully clear that he would ask the same treatment for the problems of West Virginia. The real tragedy, he said, a tragedy greater even than what had befallen the people of Buffalo Creek, was the unflattering coverage of West Virginia in the national press.

In fact there had been precious little of that. The flood had been on page one for two or three days, but it was eclipsed by the President's tour through China (from Shanghai, where he learned of the flood, Nixon sent an expression of regret, concluding from a distance of many thousands of miles that it was a terrible "natural disaster" and promising speedy federal aid), and within a week it would be forgotten, dismissed as one of those things—*Time*, for example, observed that the people of Buffalo Creek would have been well-advised to live elsewhere, but that they had stayed on in the shadow of the smouldering gob pile presumably because "that was the only life they knew."

## Passing the Buck to God

The Interior Department, meanwhile, explained through Assistant Secretary Hollis Dole that there was, in its opinion, no federal responsibility in the matter, despite the fact that regulations within the 1969 Federal Coal Mine Health and Safety Act specifically cover the construction and


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use of gob piles and retaining dams. There were no indications that the government would move to take action against Pittston, unless it was prodded by an outraged Congress; on Capitol Hill there was no outraged Congress to be found.

There would be room for doubt, in any event, about the kind of action that Interior would take even if it were forced to do something. The Department is reluctant to think of itself as a regulatory agency, or as a federal cop, and among all of the subordinate agencies within Interior, the Bureau of Mines is a standout example of one that has refused to grasp the idea of representing the public interest. The problem might not be serious if a system of countervailing power were in operation—if, for example, the people of Buffalo Creek could have counted on the United Mine Workers to represent them against the overwhelming resources and indifference of the Pittston Company. There had been scattered efforts along Buffalo Creek to protest against the slag heaps and the sludge dams—petitions had been circulated, attention had been demanded. But the effort never went anywhere, and it never went anywhere partly because no powerful organization—like the union—chose to push it. The union hasn't pushed much of anything in some time, except perhaps the fringe benefits available to its ranking officers. The result is that on one side of the equation there is a powerful industry deeply dedicated to its own interests; on the other side there is, most of the time, nothing at all. And in the middle, where there should be an even-handed government agency, there is instead the Bureau of Mines, an organization so encrusted with age and bureaucracy that it will not even support its own inspectors when they try to do their jobs.

They had, for example, been trying to do their jobs at Pittston's mines, trying to cut down the number of men killed in needless accidents. Over the past year they had slapped thousands of violation notices on the company. The idea is that the notices will cost money; get fined often enough and hard enough, the theory goes, and you will become safety-conscious in the extreme. It hasn't worked that way. Thanks to a highly complex assessment system set up in Washington by a former lobbyist who is now in charge of the Bureau's fines-collection operation, Pittston has been able to defer, seemingly indefinitely, any payment for its sins. Specifically, over the past year inspectors had fined Pittston a total of $1,303,315 for safety violations. As of April 1, the company had appealed every one of the notices it had received, and had paid a grand total of $275 to the government.

Meanwhile, on Buffalo Creek, the investigations continue, the reports are compiled, the survivors try to plan a future; the mines, only briefly disrupted by the raging flood, are back at work, and the long trains roll. One month after the disaster, Pittston set up an office to process claims—without, however, accepting liability. The company's official view is still that God did it—and if, by any chance, God should pass the buck back down, "we believe that the investigations of the tragedy have not progressed to the point where it is possible to assess responsibility." It's possible that such a point will never be reached. Who was responsible, for example, for deciding to spend $90,000 to buy Nicholas Camicia's house, but *not* to spend the $50,000 that it might have cost—according to one of the federal reports—to build a safe dam at the head of Buffalo Creek? There are sticky questions like that rising in the aftermath of the disaster, questions that will be hard to answer. "There is never peace in West Virginia because there is never justice," said Mother Jones, the fiery hell-raiser of West Virginia's early labor wars. On Buffalo Creek these days there is a strange kind of quiet, a peacefulness of sorts, but it is not the kind that comes with justice. □



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# The MacLeish Memorandum

**Editor's Note:** *Confidential documents spring up almost continuously in Washington these days, and it was perhaps inevitable that* The Washington Monthly *would obtain a batch. Our papers reveal the thinking behind a startling political initiative that the Nixon Administration plans for this summer, a move that top strategists calculate will insure President Nixon four more years in the White House. After several months of effort, editor Taylor Branch has managed to extract from sources within the Treasury and the Office of Management and Budget (OMB) a nearly complete set of secret documents pertaining to the strategy. These materials are somewhat sensitive because of their possible impact on financial markets, but we decided after some thought that we had an obligation to publish them once they fell into our hands.*

*What follows is the last item in the series, a working paper dated March 29, 1972, directed to the President's special seven-man group considering the initiative. The author is a high-level staff man at OMB. Because he does not figure personally in the debates, we have protected him with the pseudonym Roger MacLeish.*

*The paper has been edited primarily to omit the more technical passages. There are several other documents in the series, but most of their essential points are either repeated or quoted in this summary working paper, and we have therefore omitted the texts of the earlier papers. Explanatory material by editors of* The Washington Monthly *appears in [*brackets*].*

Pursuant to the Thursday, March 23 meeting of the Special Group on Project Dividend [the President, Secretary John Connally, OMB chief George Schultz, former Attorney General John Mitchell, former Commerce Secretary Maurice Stans, Council of Economic Advisers Chairman Herbert Stein, and chief domestic adviser John Ehrlichman—with H. R. Haldeman coordinating the five principal staff members], Mr. Haldeman transmitted to me the President's wish that I set down in writing the major arguments and counterarguments regarding the decision to proceed with the Project, pending final approval from the President at an arrangements meeting that has been set for June 7.

The present understanding is that the President will fly to Whittier in early July, where he will make an announcement to the effect that "this nation can no longer tolerate its massive and growing national debt of $450 billion. The $21-billion annual interest payment on this sum is our third largest national program, behind only national defense and social security. This payment not only diverts funds from more pressing public needs, such as tax relief, revenue sharing, and pollution control, but it also places a special burden on the country's average and poor citizens. They pay taxes to provide interest for



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the holders of the debt, largely banks and wealthy individuals. . . ." After appropriate emphasis on this point and after certain phrases requested by Secretary Connally for the sake of the banking industry, the President should conclude, forcefully and dramatically, that "I pledge to rid the taxpayers of this load by whatever means necessary. I will reduce, and if required, cancel these obligations. As you know, we owe the national debt to ourselves—public to public and taxpayers to taxpayers—and therefore the goal of eliminating it can be accomplished through skillful administrative leadership. I have promised that kind of leadership, and I will deliver."

The Special Group agreed that at least four positive effects would follow this announcement, which will be delivered over the normal media hook-ups:

1) Project Dividend will take attention from the opposition and create some disarray during its Miami convention. As Mr. Ehrlichman remarked, the plan will be as explosive as a "domestic visit to Peking." Like the Peking trip, it should dominate news coverage for approximately two weeks, and opposing candidates will find it difficult to attack the Administration without responding to the plan as well.

2) The Project will recover wavering support on the Republican right wing, because conservatives in the Party associate any reduction in the debt with balanced budgets and fiscal responsibility. By attacking the debt, the President will capture some votes that have strayed since the China trip, and since the Administration accepted the "full employment budget" concept.

3) Because the Project requires a verbal assault against one solidly Republican group, the banking profession, it will dissipate the notion that the Administration is captive to, or dominated by, sources of large revenues. It will thus help reverse any bad impressions left from the ITT mishap. In connection with the Project, the President is scheduled to make a number of unfavorable remarks about certain government dealings with banks, in particular the Tax and Loan Account arrangement [by which withholding taxes and most payments for debt securities go into non-interest government accounts at private banks until they are called to Washington. An average of $4 billion a day in free money is thus given to banks for loan purposes, providing a windfall federal subsidy of some $230 million a year].

The ITT argument was not put forward at either of the two previous meetings of the full Special Group, of course, since they occurred before the recent publicity. [The other documents show that these two sessions took place on July 15, 1971, at San Clemente, and December 28, 1971, at Key Biscayne.] It is not considered a very important point by several members of the group, including Mr. Mitchell.

4) By dwelling on the national debt's discrimination against the average citizen, the President will take an enormous step toward drawing off some of the populist sentiment that has shown itself in recent polls and primaries. Secretary Connally said that Project Dividend would effectively shut off populist challenges this year. . . .

The President will point out for the first time how little interest the typical savings bond owner actually receives. [About $54 billion of the national debt is financed through the issue of savings bonds. The rest of the debt is held by banks, corporations, foreign creditors, and various government agencies.] Hitherto, the Treasury has merely averaged the face-value interest rates on all outstanding savings bonds (about 12 per cent of the total national debt). This practice ignores the fact that the owner will receive considerably less interest if he cashes the bonds before maturity. And of the $8 billion in savings bonds sold in the last 18 months, well over



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one-fourth have already been cashed in, with more than four years to go before they would have worked their way up to the 5.5 per cent face-value rate. (Adjusting for premature cash-ins, bonds pay an average of 4.4 per cent or less. . . .)

The President will contrast this yield with that on the $50 billion in debt securities owned by banks. These holdings are concentrated in marketable Treasury notes (paying about 6.3 per cent on average), the banks having abandoned short-term Treasury bills when the interest rate fell from the 8-per-cent range of two years ago. During this peak period, a number of citizens invested their savings and savings bond money in short-terms, and this forced the Treasury to raise the minimum purchase from $1,000 to $10,000. Most small savers were thus driven back to lower-yield securities. It is this kind of "impropriety," as Mr. Schultz put it, that the Project should be concerned with. . . .

In the Treasury memorandum following the Key Biscayne meeting, Secretary Connally wrote that the advantages of Project Dividend came from "letting some conservatives think we are on the road back to the gold standard, while appearing to strike a momentous blow for the little people who are beginning to vote their discontent." This remains the consensus of the group, although both the President and Mr. Ehrlichman have stressed the impact that the announcement will have in the media. The President noted that it is a particularly attractive package that shows the Chief Executive handling his office so forcefully and that also possesses such broad political appeal.

Secretary Connally stated that the key to the "populist program" was that the President must appear to be not only a popular champion but also a sophisticated statesman who can explain complicated injustices to the citizens. He said that "the people want someone who gets mad at the same things they do. But they also

*(continued on p. 34)*


**Has the military mind become the great threat?**

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want an expert. They are often suspicious of their own anger, and they want someone who seems to be channeling it intelligently and responsibly. The goal is to find the issue that will cost us least among Republicans, that will appeal to pent-up economic anger, and that the President can deal with so that Wallace and the other Democrats come off as greenhorns and crybabies compared to him." (The President mentioned to the group that this line of reasoning could be quite useful to the campaign, and said that he would like to see memoranda from those present on how the "sophisticated populist" idea could be developed.)

At this point, Dr. Stein brought up an example he had spoken of in passing at the San Clemente meeting. [Stein had curiously attended this Special Group meeting even before being elevated to the chairmanship of the Council of Economic Advisers in January, 1972.] A complaint letter in the Council's files contains the case of a Marietta, Georgia, man whose employers at Lockheed had deducted so much savings bond money from his paycheck through the payroll savings plan that he had been forced to borrow money from a bank to pay his taxes. Dr. Stein mused that the man was borrowing money to pay taxes that would go through the Treasury and come back to him as the interest on his own savings bonds—paying him about half the interest rate he was paying to the bank.

Furthermore, said Dr. Stein, the Marietta man might well be borrowing his *own money* back from the bank's Tax and Loan account, where his savings bond payments and withholding taxes had been stored. "This put him in the incredible position of borrowing back his own savings bond revenues to pay taxes that would return interest to him on his portfolio of savings bonds," observed Dr. Stein. "If, instead of borrowing for the taxes, he cashed in his bonds prematurely, he would receive the low, penalty rate of return. And his taxes would then go as federal interest payments to whoever took his place as a holder of the national debt. If this happened to be a bank, the Marietta man would, as a taxpayer, pay the bank a higher rate of interest than he had formerly paid to himself. . . ."

Mr. Schultz agreed that if the President could clearly decipher the plight of the Marietta man in a speech showing how the average citizen is hurt by the national debt, such a speech would be responsive to Secretary Connally's suggestion. The President said the case was too complicated as presented, and requested that Dr. Stein put the Marietta case in writing for him. The President and Secretary Connally agreed that the voter need understand only the thrust of such an example to get the central populist message, after which a few complex references and technical terms would not hurt. Secretary Connally said that Lockheed's name should be kept out of any story used because the Administration was committed to the company's good name through the loan guarantee.

In addition to the foregoing discussion on the four principal advantages of Project Dividend, group members have suggested two political facts that will make the actual cancelling of the obligations easier in the crunch. Mr. Ehrlichman said at Key Biscayne that the debt securities owned by the federal government itself have more than tripled (to about $175 billion, or over one third of the total national debt) in the last 20 years, while the debt owned by the voting public directly has risen only slightly. According to Mr. Haldeman's minutes of the Key Biscayne meeting, Mr. Ehrlichman said, "It should be especially easy to convince the voters that it makes no sense to have one agency of the government paying interest to another agency of the government. If the public can overcome a national debt to itself, surely the federal government can wipe out the mutual debts within its own house."



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At the Washington meeting, Mr. Ehrlichman and Mr. Schultz agreed that the $30-billion Social Security Trust Fund should be fairly easy to cancel because the program operates almost entirely out of current taxes, anyway, using the trust fund as window-dressing to keep up the "insurance" image of the program.

Mr. Stans pointed out that the national debt claims owned by foreigners and other non-voters have more than quadrupled since 1969 to some $44 billion, or about 10 per cent of the total national debt. He recalled that when he was negotiating textile quotas with Japan, the Japanese had particularly miffed him by investing their export earnings from the United States in U. S. foreign series debt securities. By closing the foreign series security exchange operation, just as he closed the gold window last year, the President would have an opportunity to get back at the speculators who forced him to devalue the dollar. The President said that he was attracted to the idea and directed Secretary Connally, in conjunction with Mr. Kissinger and Secretary Rogers, to look into possible international repercussions. He also directed Secretary Connally to suspend for the time being any efforts that may be underway within Treasury to cut down these foreign claims against the taxpayers. The Secretary said that he would do so, but that he doubted there were any such efforts—since the inflow of foreign currency is good for the balance of payments. Both on payments grounds and on the expectation of Project Dividend, he continued, the foreign purchases of U. S. debt securities should not be discouraged.

Secretary Connally stated that the Project would parallel the hair-trigger international finance of devaluation, since any official rumor of debt cancellation will send the price of government securities plummeting until the spiral of talk and panic quickly makes cancellation imperative. The precarious situation in the securities markets makes it necessary to have a policy of "strict and categorical denial" to journalistic inquiries about the Project, he said, and to restrict knowledge of the plans on a high-level "need to know" basis. The President agreed, and directed Mr. Haldeman to assume responsibility for the necessary security.

Secretary Connally further stated that savings bonds would be buffered against these fluctuations in the securities markets because they are non-marketable, and that their owners would, of course, also be protected by the plan to single bonds out as the "little person's bad investment," and to pay off this small portion of the debt over a long period of program phase-out, during which no new bonds would be sold. . . .

During the meetings on the Project, three general categories of disadvantages emerged: the Republican backlash, problems with the opposition leadership, and bureaucratic opposition within the Treasury Department from the agencies responsible for managing the debt and from their allies.

1) At the San Clemente meeting last July, when the Project was being introduced as a possible substitute for the wage-price freeze, Mr. Schultz remarked that many Republicans would applaud the cancellation announcement "for about two days" before realizing that the bulk of the privately held debt is owed to Republicans—banks, corporations, and wealthy individuals. Their public position would change rapidly from approval based on the balanced-budget principle to denunciation based on charges of "irresponsible finance." Secretary Connally said he doubted that it would take two days for the wealthy members of the Party to recognize the threat to them, and that his chief worry was the bankers' reaction to Project Dividend's expected impact on interest rates throughout the country. He cited Treasury figures that direct-debt borrowing will constitute 27 per cent of all funds advanced in the nation's credit markets in FY '73.


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Without that massive federal demand for money in the financial markets, interest rates would drop precipitously. (At the Washington meeting, a Treasury staff report indicated that the drop-off would be somewhat less than proportional to the slackened demand.) The bankers Secretary Connally had talked to did not agree with Chairman Patman's exaggerated statistics, but they would acknowledge that the federal debt operation gives both stability and revenue to the country's financial structure.

[This is a reference to a study by Chairman Wright Patman of the House Banking and Currency Committee. Patman has attempted to measure the impact of the rise in the interest rate on the national debt since 1953—when the federal government began allowing banks, corporations, and private individuals to purchase large amounts of federal securities. This reversed a 14-year (1939-1953) policy of financing deficits through the Federal Reserve system, which held rates to an average of 2.3 per cent over the period when the major portion of the debt was created. Patman figures that the nation has paid debtholders about $150 billion in "excessive" interest charges above the 2.3 per cent average since the shift. He also figures that this policy has boosted private interest rates enough to provide another $350 billion in "excessive" interest charges to private bankers. The total loss is thus $500 billion in the last 20 years, according to Patman, an amount that could "wipe out the federal debt entirely and leave the government with a surplus."]

On this point of the relationship of the national debt to interest rates, Mr. Ehrlichman commented that one of his friends had submitted an application for a mortgage refinancing loan at 7¼ per cent interest, which was first accepted and then turned down. The banker explained that large debt offerings from the Treasury were expected to take up the slack in the money market during the spring of 1972 and that the bank's policy was not to commit what might become "losing money." Secretary Connally observed that this was a nice illustration of Project Dividend's appeal, because the President can argue that refinancing the national debt makes it harder for citizens to refinance their homes. For this reason, however, it also illustrates an interest group problem with the Republican constituency. Secretary Connally said that the Republican/banker problem could be handled if the Special Group would approach it more seriously than it had at San Clemente. [The other documents show that there was some interesting levity at San Clemente on the subject of the national debt and deficit spending, long targets of Republican criticism, and on the ironic discovery that they provide substantial dollar benefits to the Republican Party.]

Secretary Connally felt that a large part of the Republican backlash could be taken care of by discreetly letting bankers and industry leaders in on the political strategy shortly before the announcement. His judgment was that he, Mr. Stans, and Mr. Mitchell could handle most of this task, but that the President himself should probably speak with a small, select group. In preparation for such talks, he said that his staff was working possible compensation measures.

The bankers, for example, would be mollified by a reversal on the planned reduction in the Bad Debt Reserves [a tax break for banks], while many industry leaders were interested in further liberalization of the tax climate for the overseas operations of multinationals, exporters, and banking. Secretary Connally said that the Administration had a good deal of political credit with the banks and industry, stemming from the 1971 Revenue Act, but that the Project would necessarily create some friction no matter how well it is covered, especially among the "little bankers and Main Street Republicans," who would get hurt. He said that he felt



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better about Project Dividend than he had at a comparable stage of the planning for the China trip, and that he considered the potential gain to be greater because of the lasting nature of pocketbook programs. Mr. Stans said that he was fearful of the response among Republican contributors, but that the new campaign disclosure law would be helpful because most of the reelection funds would be collected before April 7, after which contributions would have to be reported publicly.

Mr. Schultz and Mr. Mitchell said that they were still uneasy about Republican reaction, while agreeing about the Project's political impact for 1972. The President closed the question by stating that he leaned favorably, but that he wanted to speak confidentially with a couple of friends in the banking industry before making the final decision. He said that the process of letting important Republicans in on the political strategy would enable a crucial portion of the backlash problem to take care of itself. He gave firm instructions to Mr. Stans, Mr. Mitchell, and Secretary Connally that this consultation should take place on a discreet and gradual basis in order to avoid any precipitate, noticeable Republican exodus from the government securities market. The President said he wanted no repeat of the Nader mischief regarding the automobile companies before the wage-price freeze, and no charges that Democrats were lured into the market before the cancellation.

2) The Special Group agreed that a second obstacle for the Project lay in the likely reaction of opposition leaders. Led by organized labor, the Democrats associate the debt with high government spending levels and therefore think of both deficits and the debt as a "good thing" for their constituents. As Mr. Schultz wrote in the OMB memorandum after the Key Biscayne meeting, "The Democrats generally take a narrow view of the debt's overall impact to conclude that it benefits Democrats. This accounts for the traditional positions of both parties. The Project will therefore be welcomed by the vast majority of Republicans who have no direct stake in the debt structure and who hold anti-deficit principles. It will be hotly opposed by most Democratic leaders, who think that they do have a stake in the debt. I think this is true despite their realization that the Democratic share of the outstanding debt is quite low and low-grade. George Meany once grumbled to me that the Republican Party owned the country's liabilities as well as its assets, and charged high for the use of both. Yet he is out selling savings bonds through every single AFL-CIO publication."

At the Washington meeting, Mr. Schultz guessed that labor's fondness for the savings bond program might have grown out of the similarities between payroll savings and the automatic checkoff system for collecting union dues. Labor officials have long been wary of questioning the return workers get from payroll deduction schemes, and there are some signs that they have bargained quietly with management to trade payroll savings for checkoff collection, quid pro quo.

Secretary Connally said that he felt Mr. Meany's attachment to the savings bond program was more a patriotic one, growing out of the old war bond sales. He also stated that labor and the opposition leadership would attack Project Dividend as an implicit threat to government spending levels. Secretary Connally said that the most effective way of beating the opposition leadership on this issue would be to go directly over its head to the people, through television. He added, "We are in the backward situation of actually trying to break through the misunderstandings of the other side about where the true interests of its constituents lie. This is a bad setup. We have a better chance going straight into living rooms." The President said that he felt confident of winning on this point, and directed that all consultations with opposition leaders


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should take place after the announcement of the Project.

3) The Special Group identified a third disadvantage in the expected opposition from the agencies responsible for the debt at the Treasury. The real problem was narrowed to the Savings Bond Divison, which has extensive contacts with the public through its $60-million annual advertising campaign. Mr. Stans said that he was especially worried about the reaction to the Project among the U. S. Industrial Payroll Savings Committee, whose members were normally sources of substantial election funds. [This committee, 50 of the wealthiest businessmen in the country, was organized by President Kennedy in 1963 to help build payroll savings plans in corporations. His selection as the first committee chairman was Harold S. Geneen of ITT, and the current chairman is Donald S. MacNaughton, president of the Prudential Insurance Company.] Mr. Stans said that these people had an extraordinary commitment to the bond program, without any apparent self-interest, since none of the represented corporations owned any savings bonds. Some of the executives did mention that the bonds helped reduce absenteeism and turnover among employees by building a sense of stability, but that would not account for the dedicated volunteer efforts of the committee members. . . .

Secretary Connally noted that the executives' interest in the bond programs was due partly to the opportunity the committees provided for regular group consultation with high government officials. Secretary Connally recalled that during the Lockheed loan drive, President Haughton [president of Lockheed and 1967 Industrial Payroll Savings Committee chairman] had said offhandedly on several occasions that Lockheed had the highest U. S. Payroll Savings participation rate in the country—98 per cent—and that his executives were busily searching out the strays. He added that companies used the payroll savings drives to build company spirit and to test the salesmanship abilities of younger executives. . . .

But Secretary Connally stated that it would be wise to eliminate the Committee even without Project Dividend. Periodic scandals within both the government and industry were breaking out over the high-pressure tactics used to sign up reluctant employees. Also, the Industrial Committee's meetings with the Secretary of the Treasury and other officials were semi-public and often created bad press reports, as when some stories claimed that the Secretary had discussed ITT's economic problems with Harold Geneen at a committee meeting. Secretary Connally observed that it was difficult to convince reporters that intelligent, top-level corporate executives would spend an afternoon's time discussing a savings bond drive.

Mr. Ehrlichman said that the Division would have to be very skillfully throttled, complete with transfers for some of the more experienced officials there. He volunteered to get his personnel people on the problem. Secretary Connally agreed, adding that the Division could be phased out over a long period of time, during which it could encourage bondholders to keep their bonds. A gradual flow of cash-ins would be easier to absorb, and the Division could emphasize that a rush of redemptions from bondholders might necessitate additional taxes to pay for them.

After reviewing the major advantages and disadvantages of Project Dividend, the President authorized a go-ahead on preparations pending the June 7 review. He also requested any written reconsiderations no later than May 25. The President said that he still had "a nagging discomfort" with the phase-out of the savings bond program, because, as he said, "It is the last official expression of national approval for the entire belief in thrift and hard work as central values. I don't want to be known as the Presi-



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dent who finally killed this in spirit." The President called for thoughts on the thrift problem to be delivered to him personally in writing.

At the end of the Washington meeting, the President addressed a number of issues from his personal notes that he wanted investigated before the June session. He directed Mr. Schultz to take responsibility for checking with the military leaders to make sure that the Project could not be attacked on national defense grounds. Mr. Schultz replied that the only immediate connection was in regard to the financing of wars. He stated his firm conviction that people would continue to buy low-interest "war bonds" in case of a major conflict, and that defense money had not been difficult to raise through taxes, anyway. The real difficulty was in raising money for other programs. Mr. Schultz further stated that any debts incurred after Project Dividend would be financed by selling federal securities to the Federal Reserve, with statutory requirements for minimal interest rates, if necessary. He noted that this method of finance amounts to "printing money" and is highly stimulative of the economy, but under the new full-employment budget concept a deficit will occur only when the economy needs stimulation anyway. Mr. Stein agreed with this analysis, and Mr. Schultz stated that he would check it with the military and with other economic authorities.

The President then asked Dr. Stein for his estimate of the Project's impact on the Gross National Product, reiterating his desire to have a $100-billion gain in calendar 1972 to put the economy at $1.15 trillion. Dr. Stein said that the numbers were inconclusive, but pointed toward little or no effect on the GNP. The debt cancellations would have a contracting effect on capital investments financed with government securities as collateral. On the other hand, the expected fall-off in interest rates would soon stimulate investment, particularly in the housing market. On the whole, he projected a dip on Wall Street, followed by a sharp recovery. Mr. Haldeman inquired about the homeowner vote and whether the Wallace support tended to be concentrated there or among renters. The President directed Mr. Haldeman to look into that question, if there was sufficient time, and he directed Dr. Stein to firm up his economic projections immediately.

The President directed Mr. Mitchell to obtain an estimate of how much of the national debt ownership is concentrated in New York state. He also asked for political polls to be prepared in New York, and for Mr. Mitchell to check with Senator Buckley about the expected new support the Project would gain among budget-balancers there. The President said he wanted by June a complete New York political picture, including the proportion of the Republican backlash that would take place there and the Administration's chances of capturing New York's electoral votes. The President said that he would feel better about the Project if its political costs hit hardest in a state that he had lost in 1968 and expected to lose in 1972.

Finally, the President directed Secretary Connally to have the Treasury attorneys reinvestigate the Project to make sure that there will be no vulnerability to "full faith and credit" suits. They should also prepare the simplest possible administrative steps to accomplish the plan with the minimal involvement of the Congress.

The President closed the meeting by stating that speech ideas should be directed to Ray Price, and by telling the members of the Special Group to be fully prepared for the critical June meeting.

Special Group members and staff should direct any corrections of this working paper, and all written communications called for in last week's meeting, to Mr. Schultz in this office. All the appropriate measures against disclosure should be followed.

ROGER MACLEISH □



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# Tidbits and Outrages

### Turbo Train to Keyser

Last year both of the high-speed Turbo trains in the U. S. were making the run from Boston to New York, and there was interest in expanding this service. But recently, one of the trains was taken off the route for a higher priority, the run between Washington and Parkersburg, West Virginia.

The new Parkersburg run has its drawbacks, according to a story by AP reporter John Long. For one thing, the 170-mph train can only take the mountains at about 15 mph. Of course, this permits a better view of the scenery, as $40,000 worth of advertising to promote the new route emphasizes. But alas, the train crosses the mountains at night. Another problem is that the potential rush of commuters from such key Washington suburbs as Parkersburg, eight hours from the capital, must have decided to stick to other modes of transportation. Lang decribes a typical run: "The Turbo Train, capacity 144, pulled out of Washington, half full at 5:45 p.m., dropping passengers at four commuter stations along the way. By the time it reached the first West Virginia stop, Martinsburg, at 7:04 p.m., only a dozen riders remained. The next day, leaving Parkersburg at 4 a.m., four passengers boarded...."

There is one important patron, however. Representative Harley Staggers (D-W. Va.), who happens to be the head of the committee covering mass transportation funds, also happens to be from Keyser, West Virginia (population 6,786), one of the Turbo's stops.

### Having Cut School Lunches...

The Nixon Administration is opposing a congressional measure that would provide $5 million in aid to Vietnamese orphanages, where, according to Senator Mark Hatfield (R–Ore.), the mortality rate is 50 to 80 per cent for lack of adequate care.

The medical aid program has been cut from $10 million in 1967 to $2.7 million in 1971, but the Administration expressed its satisfaction with the effort through Agency for International Development official Robert N. Nooter. The AP reports that Nooter told the Senate Foreign Relations Committee: "We think that the present arrangement is quite adequate."

### Spend Now to Spend Tomorrow

The spring spending spree, the bureaucrat's signal that winter is over, was begun this year by Navy Chief of Staff Elmo Zumwalt, in a memo to his key commands urging them to spend a quick $400 million by July, lest the Navy's need for budget increases in 1973 be questioned by Congress.

When Sen. William Proxmire held hearings on the Zumwalt memo, and on the Navy's efforts to get rid of the money by paying high claims to shipping contractors, Admiral Isaac C. Kidd, Chief of Navy Material, explained: "We must... commit those funds within the prescribed period in order not to be put in a position of disadvantage later on by someone being able to say, well, you asked for the money but you did not spend it, so we are going to take it away or cut your budget next year."

The Admiral also pointed out that the Navy had not had to push the contractors unduly to get them to accept the payments: "We have gone with teams of competent contract people from Washington to outlying field activities to look over their books with them... to see in what areas there is susceptibility to improved capability to commit funds. There has been absolutely not one bit of pressure not one bit... just to get rid of money.

### The Ford Wage Settlement

The Pay Board spends so much time wrestling with union contracts—deciding whether a wage increase is too inflationary to justify meeting the rising cost of family hamburger—that it cannot examine the affairs of most executives, who are usually over at the Price Commission. If the Board had elevated its sights to a pay level 50 times that of the average worker, Henry Ford's 1971 wage settlement with the Ford Motor Company would have come into view. Mr. Ford managed to get a $189,000 raise, increasing his compensation to $689,000.



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# The Day They Shut Down Birmingham

by Patrick J. Sloyan

The federal government intervened for the first time in an air pollution emergency when it stilled the steel works and other industries of Birmingham, Alabama, for 31 hours last November 18. The episode stands as the only test of the new emergency pollution regulations and whether the Environmental Protection Agency, entrusted with carrying them out, can enter a city in crisis and effectively shut down its major polluters to save lives.

Like an environmental Little Rock, Birmingham now has to face the stigma of being the only city where federal muscle has been used to protect people from the imminent danger of being caught in their own poisonous refuse. But Birmingham is not the only city with hazardous pollution, nor the only one subject to the temperature inversions that can trap the gases in the atmosphere long enough for people to start dying. The fact that Birmingham came first is both an accident of nature and of local politics. There was a good chance the honor would have been bestowed on Chicago a year earlier, and the way Chicago avoided the possibility of shutting down its industry puts Birmingham in more positive perspective. Chicago also makes it worth looking at Birmingham more closely, because Chicago proves that the EPA's ability to prevent pollution disaster is far from automatic.

"We had been keeping a close watch on Chicago air quality because we suspected the city would be reluctant to act in an emergency," said Darryl D. Tyler. Tyler directs EPA's Emergency Operations Control Center in Durham, North Carolina. His suspicions stemmed from the city's response to the pollution that blanketed Chicago with a blue to gray dome November 6-11, 1969. A high pressure system with a ridge of warm air aloft trapped pollutants usually dispersed by wind. Visibility was so bad at one point that O'Hare Airport was closed. Persons with emphysema were crippled. Influenza and bronchitis admissions at Cook County General Hospital increased 10 per cent. Thousands were afflicted with sore throats and eye irritation that caused redness and tears. "This is a crisis," said Dr. Bertram Carnow, professor of preven-

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tive medicine at the University of Chicago. But Chicago Mayor Richard J. Daley disagreed. "We shouldn't be alarmed and panic at the situation," Daley said.

After the weather cleared, some physicians said at least 100 persons died as a result of the five-day episode. Daley's Health Department denied the charge. Republican Governor Richard B. Ogilvie conducted a study of Democrat Daley's efforts to curb the pollution, and the state government concluded that the most notable Daley action was to suppress details of measurements of sulfur dioxide, the most dangerous pollutant in Chicago smog. "Much too little was done too late," said the Governor, who also threatened to withdraw Daley's authority to deal with his own city's pollution.

A month later, William Stanley resigned as Daley's air pollution administrator. "During the episode, we're sure the sulfur dioxide got as high as .62 parts per million," EPA official Tyler said. "That's very high. Some say it got to the emergency level—one part per million—but no one was sure. Then things started again in February, 1970. We saw air quality starting to deteriorate on Friday the 13th. It got worse over the weekend. There was no wind and the pollutants just hung in the air. On Monday, the 16th, our Chicago regional office reported high levels of sulfur dioxide. We didn't act then because the weather forecast predicted high winds to blow the pollution away. But then the forecast was revised—the wind would be delayed. We asked, 'What was Chicago going to do?' Chicago said it wasn't going to do anything because the weather would clear up the situation. We thought action was required then because the bad weather would last at least another day."

Tyler's officials in Chicago insisted that the new city air pollution control administrator, H. Wallace Poston, issue a public warning to "sensitive people." The warning would suggest that persons with heart and respiratory illnesses remain indoors and refrain from all activities. "Poston refused," Tyler said. "Poston said they were afraid to alarm the public. So, we thought about taking steps ourselves. But first we wanted to get the latest information on pollution levels. The monitoring station was run by the city, and the man who operated the station had gone home. We sent our own man over to the station, but he couldn't get in. The city said they had lost the key." Tyler grinned. "We couldn't do anything until the next day," he said. "By that time, the wind finally did clear the smog away." Poston had a different version. "They wanted me to issue an air pollution alert and I said I would—if they would put it in writing," he said. "They never did, so I went home. I was new at the job and I wasn't going out on a limb."

## The Interim Threat

Even without disastrous inversions which demand emergency action, air is harmful in most U. S. cities. On April 30, the EPA issued National Air Quality Standards, above which, scientists determined, there would be adverse effects on humans. The standards establish what percentages of the various kinds of pollutants—sulfur dioxide, carbon monoxide, nitrogen oxides, hydrocarbons, and particulates (dirt, soot, and dust), are permissible in the atmosphere of a specific area. There is still some debate whether the standards have too much or too little margin of safety.

The Clean Air Act of 1970 requires all states to implement plans to achieve these safe air levels by 1975. Most city and state air pollution officials dismiss the standards—and the deadline—as unobtainable goals. Pollutants in their cities routinely exceed these safe levels. But they are taking more seriously the EPA requirements that cities adopt "Alert," "Warning," and "Emergency" plans to head off a public health disaster with the onset



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of an inversion. So far, 20 cities have adopted such plans, which involve everything from simple bans on open burning at the "Alert" stage to a complex shutdown of industry and automobile traffic during an "Emergency." All states and cities must have adopted approved disaster plans by January 31, 1972, or the EPA, by federal law, would do it for them. Only four states failed to meet the deadline, and their plans are nearing completion.

Until the long-range standards actually start reducing overall pollution, Tyler's Emergency Operations Center must deal with the interim threat. "Birmingham is the sort of thing the Center will be involved in the next few years," he said. "What we watch for are high pollution levels associated with a developing weather situation that could lead to an inversion. (An inversion is a high-pressure system with a ridge of warm air that traps pollutants into a city's atmosphere.)

Since 1967, the federal government has had authority to seek court orders to enforce pollution controls during such an emergency. But it was not until 1971 that the EPA devised a system to withstand a federal district court judge's conditions for issuing a temporary restraining order stilling the economic heartbeat of a city. A key element of the EPA guidelines is identification of pollution levels considered dangerous. They are:

| | Alert | Warning | Emergency |
|---|---|---|---|
| Sulfur dioxide (in parts per million for a 24 hour average) | 0.3 | 0.6 | 1.0 |
| Particulates (in micrograms per cubic meter for a 24 hour average) | 375 | 625 | 1000 |
| Carbon Monoxide (in ppm for an 8 hour avg.) | 15 | 30 | 50 |
| (4 hour avg.) | | | 75 |
| (one hour avg.) | | | 125 |
| Oxidants (in ppm for one hour avg.) | 0.1 | 0.4 | 0.7 |
| (8 hour avg.) | | | 0.4 |

These levels are based on scientifically established relationships between pollution and adverse effects on human health as defined by the EPA. None of them can cause a normal, healthy adult to die. "But these levels —the alert, warning, and emergency levels—compromise your ability to withstand other illnesses that may cause death," said Dr. Carl M. Shy. Shy is deputy director of health effects research for the EPA. "Even if you are a healthy adult, these levels will cause respiratory problems—shortness of breath, coughing. In the case of oxidants or ozone, they are very toxic. They can cause your eyes to water, and if you breathe heavily, they can produce chest pains. It is even worse for a significant portion of the population with asthma, emphysema, or other respiratory problems. And carbon monoxide in these concentrations greatly increases the chances of a person with a bad heart to suffer heart failure."

The most important aspect of the guidelines is that they are sanctioned by federal law. They give pollution control officials a clear-cut legal platform to act in an emergency. In combination with a weather forecast of an inversion or similar stagnation lasting at least 12 hours, any one of the pollutants reaching the danger levels at a single monitoring station in a city should trigger the start of abatement plans. "You just can't get on top of a tall building and yell 'Shutdown, shutdown,'" said Tyler. "The main thing is to prevent an episode from reaching the 'Emergency' level. You can be sure people will start dying then. To prevent this, you've got to know where your pollution is coming from ahead of time so you can stop it quickly."

## Leprous Hippocrates

Visitors to Birmingham will soon be able to ride up to the head of the 55-foot, cast-iron statue of Vulcan, the mythical god of the forge, perched atop Red Mountain. From Red Moun-


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tain, there is a view of the ridges that surround Birmingham and most of its 750,000 residents, who live below on the floor of the Jones Valley. The steel industry is generally situated on the west side of the city. On most days, the wind carries the smoke from the mills from the west to the northeast and it seems to hang over North Birmingham.

The statue of Vulcan, which symbolizes the steel industry, wears a coat of aluminum paint to protect it from the valley air. The air is laden with visible and invisible bits of dirt, carrying lead, cadmium, steel, iron, brass, and other pollutants. According to the EPA's 1975 "safe" air standards, particulates should not exceed an annual mean level of 75 micrograms per cubic meter and, on a daily basis, should not be above 260 more than once a year. Between June 18, 1970, and May 1, 1971, particulates exceeded the 260 level for 54 days in Birmingham. The city's annual mean level was 162, with a daily average in downtown Birmingham of 195. It is worse in North Birmingham, a densely populated poor and lower-middle-class neighborhood. There, a particulate count of 500 is common and the annual mean is 287.

Even on the hottest days in North Birmingham, families keep windows and doors shut. The air attacks house paint, automobile finishes, and soils the wash hung out to dry. No one who combs his hair and looks at the grit on the comb teeth resigns himself to the quality of Birmingham air. No one just "lives" with soot that seeks out crevices in the eyes, ears, mouth, and lungs. The air is impossible to ignore. It is a celebrated topic because it does such things as eating a concrete highway bridge down to the reinforcing rods. When a marble statue of Hippocrates, donated by a Greek beer distributor, was unveiled for the opening of the University of Alabama Medical Center, faculty members debated whether it would take five or 10 years before the air made the features of the first physician unrecognizable.

Hippocrates, too, symbolizes Birmingham, the new metropolis that is proud of its All-American City Award from the now-defunct *Look* magazine. The university medical center will soon occupy 60 blocks downtown. One member of the faculty, Dr. Abraham Russakoff, a professor of clinical medicine, has been concerned about lung ailments during his 25 years in the city. "It's bad, the air is very bad," Russakoff said. "I did a three-year study with a computerized lung function lab, an emphysema test. We'd go from neighborhood to neighborhood testing people well enough to be walking around. In the cleaner neighborhoods, we found only 11 per cent of those tested had a significant, measurable impairment in their ability to breathe. But in North Birmingham, it was 30 per cent of those tested. Auburn University did a study showing that Birmingham people have lung disorders at double the rate of rural people in the state. The recorded death rate from emphysema has increased 200 per cent in the past 10 years. All these things don't prove the air in Birmingham is killing people. But it's a factor, isn't it? Now, I'm not connected with the unions or the companies, but I tell you the air in this town is bad, but it's even worse inside the mills. Those are the guys I feel sorry for. U. S. Steel won't let you go inside to survey their plants to find out what we need to do to protect workers. U. S. Steel is hard to believe."

Dr. Russakoff is part of a growing segment of the Birmingham scientific community engaged in a war against pollution. Another is Cameron McDonald, a graduate student seeking a doctorate in biochemistry. She is an organizer and president of the Greater Birmingham Alliance to Stop Pollution (GASP). Most GASP members are medical students. "U. S. Steel," she said, "is really owned and directed by the people in Pittsburgh, and they just won't do anything about the air in Birmingham."



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## Blaming the Pollen

U. S. Steel is the largest single employer in Birmingham with a payroll of between 11,000 and 14,000 workers, depending on demand for steel products. At plants in the Birmingham suburbs of Fairfield and Ensley, U. S. Steel produces three to four million tons of steel each year. With raw materials from South America, it makes wire, nails, flat roll, and a variety of other products. The company's stacks for 15 furnaces, boilers, coke ovens, incinerators, and other equipment are the highest in the city and second only in size to Birmingham's 30-story office buildings. There is not a single precipitator or other pollution-control device on U. S. Steel equipment. Most of the mills are old, inherited from its predecessor, Tennessee Coal and Iron.

Because U. S. Steel will not permit scientific measurement of its emissions, its total annual output of particulates is unknown. But the Jefferson County Health Department, which services Birmingham, estimates that the company is responsible for 35 to 50 per cent of the 162,810 tons of particulates from industrial sources in the city each year. According to U. S. Steel, however, it is not involved. Earl W. Mallick, U. S. Steel vice president for the South, has offered a variety of reasons to Birmingham about the city's air quality. Mallick holds an engineering degree from Northwestern University and a law degree from Harvard Law School. His most celebrated explanation was to a Birmingham high school class. Mallick told the class that the particulates being measured in the air were merely pollen. But he scrapped that explanation after Dr. Russakoff, in a public reply, agreed, but noted that someone was apparently turning off trees and flowers on weekends when the particulate count dropped. Mallick then settled for simplicity. "We are only a minor factor in air pollution in Birmingham," he said. This was his standard reply to questions from members of his Presbyterian church (he is an elder), the Chamber of Commerce, the Associated Industries Council, and a variety of other groups where he was president, director, a member of the executive board, or an active member.

U. S. Steel was also active in the state legislature's consideration of a pollution control bill in 1969 which emerged so weakened that EPA's predecessor, the National Air Pollution Control Administration, refused to approve the plan. But after an April, 1971, pollution crisis in which EPA requests for a voluntary industry shutdown in Birmingham were mostly ignored, especially by U. S. Steel, there was sufficient statewide controversy that the legislature considered another pollution bill. Shortly before the issue was decided, U. S. Steel announced it would install $12-million worth of pollution control devices at its Birmingham complex. Despite the announcement, the legislature approved what is now considered one of the toughest pollution control bills in the country. The major provisions, however, could not take effect until Governor George Wallace appointed a commission, which would in turn elect a director who could carry out the emergency powers. Wallace had not made the appointments by the October, 1971, deadline.

Little more than a month later, a high pressure system with warm air aloft began enveloping the Jones Valley. On Friday, November 12, it became an inversion. The same day, Dr. George Hardy, Jr., director of the Jefferson County Health Department, issued an advisory: "Persons with a history of heart or lung disorders are advised to remain indoors as much as possible and to avoid unusual exertions." According to Hardy, the warning was lifted Saturday because a weather forecast said a cold front would soon sweep away the polluted air. Instead, a storm in the Gulf of Mexico stalled the front.

Hardy was anxious for the results from the city's six air-sampling sta-


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tions when he arrived at work Monday morning. Oddly, all the electric motors that operated the sampling devices at the four most important stations had failed sometime Sunday. By Monday afternoon, they were repaired and some additional stations were set up in other locations. At 2 p.m. Monday, the National Weather Service issued an Air Stagnation Advisory, predicting the inversion would hang over Birmingham at least another 24 hours.

## Voluntary Non-Compliance

At 7:45 a.m. the next day, Charles Sellers walked to a windowless white trailer on the Sears, Roebuck and Co. parking lot. Sellers is a chemist for the EPA, the man Tyler assigned to Birmingham after the April episode. He removed filter No. 480 from the particulate monitor inside the trailer. The 8-by-10 filter, white the afternoon before, was now black. His analysis showed 397 micrograms per cubic meter, above the 375 first-stage level for an EPA air pollution "Alert." A similar filter in North Birmingham showed a particulate count of 771, above the second-stage "Warning" level of 625. Sellers telephoned Tyler in Durham. "We'll keep an eye on the situation and see if the local people can work it out," Tyler said.

For the time being, the episode was in the hands of Dr. Hardy, but Hardy was still without any legal authority. The health warning and weather predictions in Birmingham had come to the attention of Governor Wallace in Montgomery, and on Monday, Wallace appointed members of the air pollution control commission. But the commission had no time to meet and elect a director who would have the emergency powers county health director Hardy and Birmingham now needed.

The same day, two hours after the 8 a.m. reading of the particulate count, Hardy formally declared an air pollution "Alert." He and his staff telephoned 23 companies believed to be the major sources of particulate pollution. "We're simply asking them to take immediate steps on a voluntary basis to reduce emissions," Hardy said.

By 3 p.m. on Monday, Hardy was getting results from particulate filters put in place 24 hours earlier. In North Birmingham, the particulate count was 722. At 4:30 p.m., Hardy moved the episode up a notch by formally declaring an air pollution "Warning," for Birmingham. At the same time, his staff began preparing a formal letter to each of the 23 companies, asking them to make significant reductions and maintain them until the "Warning" period ended. "Specifically, we suggest a reduction on the order of 60 per cent. We also ask for a report in writing within the next 24 hours on the nature of the action taken and the estimate of the amount of reduction which could be expected," Hardy said.

Wednesday dawned somewhat clearer. Sunshine warmed downtown Birmingham and a gentle ground breeze had removed the normal morning haze. There were bits of blue sky. In North Birmingham, the 8 a.m. reading for the previous 24 hours showed a particulate count of 758, down slightly from Tuesday morning, but higher than the Tuesday afternoon reading. The National Weather Service, in a 9:30 a.m. forecast, said the inversion would last another day. The air pollution "Warning" for Birmingham continued.

At 10 a.m. on Wednesday, Paul Pate, an engineer and director of the county Health Department's Environmental Bureau, began telephoning the 23 companies to check on their pollution control efforts. "A majority—19—of the industries contacted assured us they were making reductions ranging from 20 to 90 per cent," Hardy said. "In view of our request for 60-per-cent reduction, it is difficult to classify anything under 20 per cent as a significant reduction. By this standard, four of the industries have not assured us of any significant re-



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duction." The largest of the four recalcitrant firms was U. S. Steel. The top man at that company was gone. His public relations man, Dane Harris, said no one knew where Mr. Mallick was, what he was doing, or when he would return. With U. S. Steel refusing to make a significant reduction, Hardy's efforts produced at best only a 15 per cent reduction in particulate pollution in the Jones Valley. U. S. Steel was involved in business as usual.

## The Feds Arrive

EPA headquarters in Washington had been studying since Monday both the pollution and the politics of the Birmingham episode. Nixon, of course, is worried about the threat of Governor Wallace in the 1972 presidential election. Wallace could look bad if Nixon had to step in and deal with a purely Alabama problem. On the other hand, potential voters could be riled by federal intervention—the sort of thing Wallace was famous for blocking. But there was not a whimper of protest from Montgomery. The final decision by the Nixon Administration for whatever federal action necessary, despite obvious considerations, appears relatively free of politics. EPA Aministrator William D. Ruckelshaus sent his own representative to Birmingham after learning that voluntary compliance efforts had failed. But Ruckelshaus left the main job to the EPA regional office in Atlanta and Tyler's Emergency Operations Center in Durham.

Ruckelshaus' man was Robert L. Baum, EPA assistant general counsel. Baum, from Rockville, Connecticut, speaks with an accent that is a cross between New York and New England twangs. "What is going on here?" he asked. In Birmingham Wednesday afternoon the visibility was substantially better than it was in Washington, D. C. He walked immediately to the National Weather Service office at the Birmingham airport. There was Tyler, the EPA official, who had just


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arrived by a Coast Guard plane his agency keeps on standby for such missions. With Tyler were a meteorologist, a physician, and an engineer familiar with steel mills. "The weather may start to clear very slowly tonight," Tyler said. "The cold front is barely creeping. The best outlook is that the air will remain pretty stagnant tonight, but that front could be here tomorrow afternoon. You can't be sure." They were joined by John C. White, a southerner with the EPA Enforcement Division in Atlanta. It was agreed that White's southern drawl would make him the EPA spokesman in Birmingham.

The EPA caravan arrived Wednesday afternoon in two cars at the Jefferson County Health Department where it seemed to be a balmy fall day. Baum craned his neck to look at the blue sky. Inside, they were in time for a 4:30 p.m. news conference. When the television cameras from the local stations were ready, Dr. Hardy read a two-and-a-half page statement, summarizing the week's events, including the arrival of EPA's delegation. His statement ended with the naming of U. S. Steel and the three other companies who had failed to make a significant reduction on a voluntary basis. Was U. S. Steel acting in the interest of public health, an out-of-town reporter asked? "I would say certainly not," Hardy replied. Then White began answering questions directed at the EPA. White emphasized to reporters that Hardy and Jefferson County had not requested EPA action. In the same breath, White noted a request for aid was not needed for EPA to intervene. "But we're still looking at the facts and we haven't made a decision," White said. The news conference ended and Hardy and the EPA delegation moved to a another room in the health department.

"A lot of people," Tyler said, peering into the meeting room. "That's always bad. The weather is a problem, too. It could start breaking up tomorrow afternoon or earlier. You have to think about these things when you're planning to ask a judge to shut down a city's industry." Baum was having difficulty determining to what extent companies had complied. Hardy's request for a 60-per-cent reduction in emissions was meaningless. "You can't police such a thing or even estimate what the company is doing on a percentage shutdown basis," Baum said. Shortly before 6 p.m. Wednesday, the meeting settled its doubts. "We're going to go," Baum said, sucking in a deep breath.

Paul Pate, director of the county health department's environmental bureau, sat in Hardy's office, waiting for the health director to finish telling the citizens of the county health board what EPA intervention would mean to Birmingham. Pate was watching Wendell Harris of WAIP-TV, an NBC outlet, present the evening news on Channel 13. Hardy flashed on the screen, reading his statement about the companies refusing to comply. Hardy's specific criticism of U. S. Steel was cut out. Instead, the firm's public relations man, Dane Harris, appeared next. Harris stressed that U. S. Steel was responding to Hardy's pleas. "Of our 15 furnaces, only eight were operating today," Harris said. Pate shook his head. "Now, listen to that," Pate said. "He didn't mention that U. S. Steel has been running at 60-per-cent capacity, meaning there haven't been any 15 furnaces running for some time. I don't think they shut one furnace. But they get away with that kind of sly talk all the time. They got terrific clout in this town." A tall, muscular man walked in and handed Pate a letter that explained that U. S. Pipe had only curtailed emissions by 20 per cent. He was Donald Saltsman, vice president and secretary of the firm. He was upset. "We can't have a 60-per-cent reduction unless we shut down completely and lay off 1,600 workers," Saltsman said. "I was up to an EPA meeting in Atlanta and Ruckelshaus said shutdowns would come only as a last resort. Now look at this. They're trying to make an



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example of Birmingham." Saltsman got into an elevator just as Hardy emerged from his meeting.

"Right now, during this, you can't be sure what is happening," Hardy said. "We did have eight deaths from respiratory causes during the episode last April. You get a lot of kids brought to the hospital coughing and gagging. You know the emphysema cases can't move even during normal weather. We tell the emphysema victims to move out of the area. I couldn't document it on the witness stand, but I'm certain right now that the air out there is causing serious illnesses, even death. What's really going on? I don't know, but I'll tell you this—we're not going to wait until the bodies start dropping. I'm sticking right with these EPA guidelines until this is over. We're not going to wait until we get a body count. And, that's more than some cities will do. That's why I think it is unfortunate that Birmingham will suffer from the publicity when the problem certainly is not unique to Birmingham. This city is facing up to its problems. No smoke, no jobs—that just doesn't sell here anymore." Hardy felt the night air and it was crisp. He stopped and looked around. "My God, it's clear. Look at those stars."

## Telling the Judge

By 9 p.m. on Wednesday, EPA headquarters was situated on the second floor of the Federal District Court building. Tyler was pacing the floor of an office with smudged beige walls. "The judge says he won't meet with us tonight," Tyler said. "He wants us to wait until the morning when he has his law books handy. We can't wait until then. The problem is now and we must act now. If we wait, those plants will be going full blast again." In the corner of the office, someone asked who the judge would be. The reply was shouted from the adjoining office: "Pointer—Sam C. Pointer," said a voice. "When Nixon appointed him, Wallace said he didn't have the brains to judge a chicken thief. He's young and conservative. If I know my judge, when we show up at his home tonight, he'll say no." Tyler hesitated, then said, "Talk to him again." They waited. It was muggy. The air conditioning was off. Newspapers littered the desk. The story, in the *Birmingham News*, was on the very last page. It was brief, apparently written early Wednesday morning. The early edition of the Thursday morning newspaper, the *Birmingham Post Herald*, had no story at all. Tyler seemed to study a front page box, the weather forecast, which said it would be colder and windy on Thursday with a cold front moving through the city Thursday afternoon or early evening. "The judge says okay for tonight," shouted the voice in the next room.

Judge Pointer lives in Mountain Brook, across Shades Mountain from the Jones Valley. So does Mallick of U. S. Steel, and anyone else who is white and has enough money to afford a home in the suburbs free from the city's pollution. The particulate count in Mountain Brook rarely exceeds 80 micrograms per cubic meter. Pointer was dressed when the EPA delegation arrived before midnight. The local U. S. District Attorney, William Mallard, handed him the documents, including a formal complaint requesting a temporary restraining order against 23 companies in Birmingham to halt their pollution.

The order listed specific steps U. S. Steel and the other major firms would have to take to limit particulate pollution. Nothing in the order required or anticipated a complete shutdown of all facilities. Pointer was also given three affidavits. One dealt with the fact that air was stagnating over Birmingham. A second reported the particulate counts from the city sampling stations. A third, signed by Dr. Douglas I. Hammer of Tyler's EPA staff in Durham, concluded that the air in the Jones Valley was now an "imminent and substantial endangerment to the public health." Pointer


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was also told that the state of Alabama and city of Birmingham were unable to deal with the crisis.

The judge seemed most concerned about possible damage to industry equipment. After extensive questioning of Tyler's staff, he was assured that no harm would come to the 40-year-old furnaces at U. S. Steel and other Birmingham mills. At 1:45 a.m., Thursday, November 18, he signed the temporary restraining order and scheduled a hearing for 9 a.m. Friday.

The EPA delegation crammed into their two automobiles and sped back to the courthouse. The first of the firms telephoned was U. S. Steel. The message was the same to every company contacted in the next few hours —failure to comply with Pointer's order would result in contempt of court citations against the corporate violator. Contempt penalties are flexible. The judge could decide on anything from fines to jail sentences for representatives of the firm. A U. S. Marshal would formally serve the court order later in the morning.

By 3:15 a.m., EPA officials Baum and White were sitting in the Krystal Kafe. Baum was staring at a puddle of yellow butter in what looked like a heap of mashed potatoes next to his eggs. "They's grits," White explained. Also at the counter was Leon Billings, clerk of the Senate Subcommittee on Air and Water Pollution. Billings is adviser on pollution matters to Senator Edmund Muskie, who is the subcommittee chairman and was the chief Senate sponsor of the Clean Air Act. Billings was in Birmingham as Muskie's man, keeping tabs on the performance of the Nixon Administration and Baum. Billings had done most of the drudgery aides do in getting such a law through Congress, and now, he was exhilarated after a night of watching his handiwork. "I can't believe it," Baum said. "I just can't believe it. We've implemented the Clean Air Act." When the three had stepped outside the diner, the air had a noticeable chill. The wind rolled a newspaper page along the middle of the street. "No," Billings said to the wind. "No. Stop."

## Stilling the Stacks

A wisp of gray smoke was coming out of some of the stacks, but most of them were quiet at U. S. Steel's Fairfield plant at 8 a.m. Thursday. Television crews were on hand to film U. S. Marshal Johnny M. Towns stalking into U. S. Steel's headquarters with Judge Pointer's detailed orders. "This is the first time the security guards haven't tried to run us off," said John V. Jones, a reporter with WBMG-TV, a CBS outlet. "They're usually after us when we're here to film the junk just boiling out of the stacks." U. S. Steel did not await the formal order. Within six hours after the phone call advising of the court order, the company had curbed mill processes that account for 35 to 50 per cent of the particulates in Birmingham air. Workers who had been told to go home that morning hung around the gate talking with reporters. None of these members of the United Steelworkers Union seemed upset about the mill shutdown. "Figure we're going to choke to death before we starve to death," said E. B. Rich, who worked for U. S. Steel for 15 years. He is now a union official. "About time they started cleaning up these stacks and such. I've got three girls—three, eight, and 13—and they're always getting eye, ear, and throat infections. I asked the pediatrician if it was the air. Says it didn't help. Now, we got about 8,000 or 9,000 members who lost time because of this shutdown. About 4,000 U. S. Steel men lost time. Maybe a day, day and a half. I don't know how much pay. Contract says they can tell us to go home if something happens that is beyond the control of the management. We figure this wasn't beyond the control of management. Precipitators is old stuff. They know how to put precipitators on those stacks. Doing it in Chicago. U. S. Steel got a plant down in Texas and it doesn't



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have any pollution that you can see. We figure they're going to have to pay us for lost time because it wasn't beyond their control."

Rich and other officials and members of the Steelworkers local in Birmingham reflect the union's concern about pollution. For the past two years, the Steelworkers headquarters has been conducting an intensive pollution-education program for members. Howard Strevel is the president of the Birmingham local, representing 24,000 members. Strevel summed up the closure of Birmingham plants this way: "For the first time, even the economic excuse for despoiling the air has been made meaningless."

"This is our toughest decision," Baum said. He was attending a 3 p.m. meeting at the health department. "Should we keep the order in effect and wait until Friday morning's court hearing or move to have the order dissolved this afternoon?" The 8 a.m. particulate reading for the previous 24 hours in North Birmingham was 410 micrograms per cubic meter, below the "Warning"stage but still above the "Alert" level. It did not reflect the reduction ordered by Judge Pointer. A better picture of the particulate count was expected from the 2:30 p.m. reading. The EPA session was temporarily stunned when it was even higher, at 461, but a technician explained it was probably due to shifting winds.

Thursday had turned into a sunny, windy, and clear day in Birmingham. The inversion was in the process of breaking up. Weather balloons showed improved vertical mixing, permitting pollution to escape into the upper atmosphere. The National Weather Service predicted the last vestiges of the stagnant air would be removed with a cold front due to pass through the city that afternoon. "People are losing money—the workers and the companies," Baum said. "If we get the order lifted this afternoon, the companies would have time to call in their Friday morning shifts." Baum now turned to Robert A. Kornasiewicz, Tyler's meteorologist. "Can you guarantee me that cold front will be here this afternoon?" Baum asked. "No," said Kornasiewicz. "Well," Baum said, "then the order stays on." Outside, Baum looked upward. The sky was a brillant blue. He shook his head and kept walking.

The cold front, windy and rainy, did not move through Birmingham until Friday morning. The worn white marble steps at the courthouse glistened. A small band of livid corporation lawyers marched up them for the 9 a.m. hearing in Pointer's courtroom. It was an unruly hearing. Most of the attorneys did not identify themselves, obviously, because the judge knew who they were. Particularly the lawyer who could not understand "how you did this without consulting me." Another said it was all "terribly damaging to the community." A fourth bobbed up and said it was, "unthinkable." Most of the lawyers were neighbors of Judge Pointer, all residents of Mountain Brook. Included was the lawyer who called the whole affair an "advertisement of a crisis grossly overstated and temporary at the most." U. S. District Attorney Mallard spoke: "Now with improving atmospheric conditions, our medical and pollution experts believe the emergency has passed. We request the order be vacated." Pointer nodded. "The temporary restraining order is dissolved," he said. The lawyers scrambled from the courtroom to telephone their clients. After 31 hours of pollution control, U. S. Steel and the other firms resumed production and pollution of the air in Birmingham. The 8 a.m. reading covering the particulate count for the 24 hours of relatively clean air in North Birmingham was 216 micrograms per cubic meter, only 44 micrograms less than what the EPA believes is unsafe under 1975 air quality standards. Baum left Birmingham in an Air Force plane. It banked after takeoff and wheeled over the billowing smokestacks of U. S. Steel. "My God," Baum said in his harsh accent. "Look at that. Incredible." □


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POLITICAL NUMBERS:

# The Emerging McGovern Majority

by Michael Rappeport

George McGovern is quietly but steadily moving into a position to capture a plurality of the first-ballot votes at the Democratic convention in July. With a victory in California's winner-take-all primary on June 6, I predict that McGovern will receive 1,180 to 1,200 delegate ballots on the first count at Miami. Since 1,509 votes are required for nomination, the other candidates will deny McGovern's bid to win on the first ballot, but he will be commanding the largest number of delegates—and the most committed ones—for the tough political bargaining on subsequent ballots.

My conclusion does not come from any complicated analysis of voter sentiment or political strategies, but from a simple counting of delegates. McGovern's first ballot total would break down as follows:

| | |
|---|---|
| Committed through Wisconsin | 100 |
| California | 271 |
| About 75 per cent of the New York delegation | 209 |
| Indicated from caucuses in Washington and Minnesota | 40 |
| Abot 40 per cent of the midwest and mountain state vote (Oregon, Dakotas, Nebraska, Idaho, etc.) | 100 |
| Massachusetts, Connecticut, Rhode Island | 120-140 |
| About 27 per cent of the vote in Michigan, New Jersey, Ohio, and Pennsylvania | 165 |
| Southern delegates | 75 |
| Miscellaneous (Indiana, Maryland, Kansas, Hawaii) | 100 |
| Total | 1,180-1,200 |

*Michael Rappeport is Director of Statistical Services at Opinion Research Corporation in Princeton, N. J. This article uses ORC research; the opinions are solely the author's.*

McGovern delegates are often being elected in unlikely places as a result of efforts by the best group of local organizations since F. Clifton White's Goldwater operation in 1964. For example, he is winning delegates in such states as Virginia, where he will get from 15 to 20, Georgia (7-12), and Kansas (12-18). (This "committed minority" strategy is ironic for a man who has done so much to make the party reflect popular majorities.) In addition, the McGovern campaign is focusing on congressional districts with clear liberal majorities (such as four of the major counties in New Jersey) or with large university populations (such as Ann Arbor, Michigan, and Columbus, Ohio). This strategy accounts for his projected 27 per cent of the delegates in Michigan, New Jersey, Ohio, and Pennsylvania.

McGovern's best chances for the 300 additional votes he needs to win on later ballots are among Muskie delegates who liked McGovern but didn't think he could get the nomination, or who simply do not want Humphrey again. He should also pick up some scattered votes from delegates committed to "non-major" candidates like Shirley Chisholm.



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# Nixon and His Staff: The View from Their Own Mirror

## a review by Suzannah Lessard

With a little help from Herblock, Nixon and his cronies have become so firmly pigeon-holed that all but the crudest of after-dinner satirists have gone in search of more challenging victims. Two books from the other side provide a different and sometimes enlightening angle on the subject, along with a little healthy strain to eye muscles accustomed to viewing from the left. Richard Whalen's *Catch the Falling Flag** is a memoir of the author's days as a writer and advisor to Nixon during the '68 campaign. The book is a chronicle of disappointment: the candidate's tendency to side-slip into the gray zones of liberalism as opposed to reviving a true Republicanism of "unborrowed" ideas and strong, consistent stands finally drove the author away from the camp at the moment of victory. *Courage and Hesitation*,* by Allen Drury, consists mostly of interviews of White House personnel. A big book, complete with numerous, pleasing photographs by Fred Maroon, it bears all the marks of a guilded product aimed at the pro-Nixon market. Nevertheless, Drury has passed on exactly what was said to him, and while one does not find as much gristle as in Whalen, the cumulative effect of these bland interviews is a feeling of what these people are really like.

Nixon's failure in Whalen's eyes was his reluctance to deal straightforwardly with issues. Whenever there was a glimmer of serious thought it soon revealed itself as the old ad-man mentality. Whalen writes of one discussion between the candidate and his advisors: "All the while, Nixon listened closely, as though we were lawyers and he an appellate judge. At points of dispute, he stood outside the text, waiting to be persuaded to enter it. I soon discovered that he did not wish to be persuaded of the validity of our ideas. Rather, he sought guidance in the procedure that was the sum of his 'centrism'—the pragmatic splitting of differences along a line drawn through the middle of the electorate. The line could go Left or Right, depending on the persuasiveness of claims made for the popularity of

*Catch the Falling Flag. *Richard J. Whalen. Houghton Mifflin, $6.95.*
Courage and Hesitation. *Allen Drury. Doubleday,* $12.95.

*Suzannah Lessard is an editor of* **The Washington Monthly.**



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competing views."

A naked exhibition of this neutral mentality in practice is seen in Whalen's description of Nixon's reaction to the ghetto riots which were then exploding all over the country. Whalen's vision of the riots is distorted, but at least he saw the urban crisis as a major problem, something which a candidate for the presidency had to confront immediately. Nixon, on the contrary, seemed totally unaffected. Incredible to Whalen, he still hadn't even made a speech about the matter, and was indicating no conviction that he ought to. When Whalen called his colleague in the campaign, Ray Price, to communicate his sense of urgency, he found out the reason nothing had been done: "There's no consensus. We talked all around it. You know the positions, everything from law and order to compassion."

Whalen was further shocked when he discovered that the matter of whether Nixon should attend King's funeral was being debated. "If he stays home there won't be any moral difference between him and Wallace" he advised, amazed that there was any question. In the end Nixon did go, albeit gingerly, and Whalen was put to work on developing a position on the urban crisis, a task he found difficult since he had no idea what the candidate's feelings were on the problem and was unable to find out. Apparently what Nixon worried about were the perils of his attendance at King's funeral. "Several times thereafter, he rebuked those of us who had urged him to go to Atlanta, calling it 'a serious mistake that almost cost us the South.' "

## A Shield of Whiz Kids

Nixon's indifference to issues was encapsulated in an outburst fairly early in the campaign. Whalen records how, at one point, the candidate impatiently declared to his staff, "Everybody's against slums and unemployment and rats. That's why it's a waste of time spelling out a position as though somebody disagreed with it. Only the press is worried about programs. So take that crap from the coordinating committee and put it out—it doesn't mean a damned thing. But it will appease the press people who say you only speak in generalities. . . . You know it hasn't changed in 20 years. You still have to put out a folder saying what you're for and against, where you stand on the issues. Women particularly like it. They don't have the slightest idea what it means, but the voter's been taught to expect it. You're not going to change people on welfare, whether they're white or black, for a century."

Whalen's bitterest realization of this attitude came to him when he perceived that he and the other earnest young whiz kids, whom Nixon supposedly drew into the campaign because he wanted their views and help on issues, were actually there as a "deceptive screen of insiders" to impress the media. While the press interpreted their presence as an indication of Nixon's concern with issues, and his intention to develop innovative positions and programs, in actual fact they were there only to turn out slogans and phrases which would minimize risk and give the appearance of taking a position. Nixon had expertly played on Whalen's idealistic hopes and raised his expectations of what a Nixon campaign and administration would really be like. Despite his initial skepticism—"I was irked by his chronic failure to stand unequivocally. The man who suspected Alger Hiss and defeated Helen Gahagan Douglas was not the same man who turned mush-mouthed in the presence of John Kennedy"—Whalen clung to his hopes in the face of overwhelming discouragement. The truth only came home after the convention, when, instead of being put to work at drawing up guidelines and developing ideas, the idea men were suddenly shelved in some remote corner of the operation, treated rudely, and ignored. When called upon at all it was, more glaringly than ever, to employ



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their talents as merchandisers. "One morning [Leonard] Garment, Robert Finch and I sat for the better part of two hours contemplating a pair of advertising layouts. The headline on one paste-up read: THIS TIME VOTE AS IF YOUR WHOLE WORLD DEPENDS ON IT. On the other, ad-English was used: THIS TIME VOTE LIKE. . . .

Finally, Whalen left. Others, equally discouraged and disillusioned stayed, hoping still for some grain of power in the future. Through it all Nixon seemed not to have been in the least affected by the disillusionment of the "bright young men" about whom he had boasted so often to the press. To be boasted about, after all, was their main function.

## Turn in Your Floor Badge

Even as he left, however, Whalen could not quite give up his always shaky belief in Nixon and blamed the course of events on the men Nixon had drawn closest to him. "We were under the heel of men basically unsure of themselves, second-raters playing over their heads and fiercely resentful of anyone who dares approach them at eye level. Nixon's own insecurity caused him to need the protection of men willing to do whatever he wished. In return they wielded unmeasured influence. By controlling the environment in which he moved, every person, paper, and choice presented to him, they exercised power beyond argument or appeal. If I remained I would no longer work for Nixon but for these men whom I did not respect. Yet they were only incidental foes. The true conflict was between my desire to serve Nixon and his inability to accept service on terms that were not humiliating to the servant." The entire book is written to demonstrate the political-philosophical conflict between Whalen and his boss. Yet, at the last minute he denies it.

The ascendency of Ehrlichman, Haldeman, and Mitchell matched the slow fall of the idea men from at least pretended grace. In describing how he came up against them to find himself cut off further and further from Nixon, Whalen has occasion to make a number of shrewd observations about the dangers of over-protection of a leader by over-admiring, sycophantic people, and the particular form this classic syndrome takes in the Nixon entourage. His description of his first confrontation with Ehrlichman communicates the flavor of the situation well. One day Whalen found he had suddenly been demoted—he wasn't issued a clearance badge for the floor where Nixon presided. A friend told him he had better challenge the demotion right away and to "go see John Ehrlichman," whom he had never heard of. Ehrlichman told him there had been no mistake, "He returned to his paperwork indicating the interview was over. When I did not leave, Ehrlichman looked up. 'Just who the hell are you?' I asked. . . . 'Look,' he said, his own temper rising, 'I've been with Nixon a long time, and I've seen writer-researcher types like you come and go. You'll go where I say you go.' " Whalen turned on his heel and walked out, appealed to other higher-ups, and in the end won. The incident is ironic, since the badge for which Whalen fought was, at that point, an empty honor. Whalen had no particular advice to Nixon in mind which would have made it worth fighting—apparently he only wanted the gratification of being symbolically close to Nixon—surely an indication of the courtier-like mentality for which he so astutely criticizes others. Nevertheless, the scene reveals something of the mentality of the tight little mafia around Nixon.

In Drury we get another glimpse, through Bob Haldeman: "Ehrlichman, Kissinger and I do our best to make sure that all points of view are placed before the President. We do act as a screen because there is a real danger of some advocate of an idea rushing in to the President or some other decision-maker, if the person is allowed to do so, and actually managing to convince


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them in a burst of emotion or argument. We try to make sure that all arguments are presented calmly and fairly across the board." A former staff member's criticism of Haldeman echoes these words with a slight twist: "I think Bob Haldeman has one weakness that affects the whole operation—he reacts too fast to the President's suggestions, or requests, or temporary explosions of annoyance, or desire for something to be done. Before [Nixon] became President there used to be one or two around who were in a position to say no to him, or to suggest that he wait a bit and think something through. Unfortunately, that is no longer the case. Now there is no one on this staff who can say 'Mr. President, are you sure you want to do this right away? Are you sure you really want it at all?' Because frequently, of course, he will change his mind about something, as anyone does—but by that time it's too late. Bob Haldeman has jotted it down and gone dashing off to get it done without even stopping to think, himself." In other words, Haldeman protects Richard Nixon against everybody's bad ideas except for Richard Nixon's.

## The Invisible Hatchet

If the Nixon court is distinguished from others, it is in the central figure's apparent passivity in the workings of the court. Nixon, who has surrounded himself with people who seem to actively enjoy bullying—a Haldeman who physically blocks a venerable Republican as he turns back after an interview to tell the President something that had slipped his mind, or a Mitchell who gratuitously bad-mouths two young advisors who had merely questioned a strategy—himself recoils from personal confrontation. When Whalen resigned, Haldeman opened his letter of resignation, even though it was marked personal, "a display of high handedness my friends found shocking. What they failed to realize was that Nixon did not wish to read my letter. Haldeman was there to shield him and spare him difficult personal encounters."

That Whalen's perception of squeamishness was accurate is vividly borne out in Walter Hickel's description of one firing in which Nixon, partly by accident, had to face his victim. During a crucial visit with the President, Hickel writes in *Who Owns America?*, "He mentioned the good job that I had done during the 1968 campaign as one of his 10 surrogates . . . . But he repeatedly referred to me as an 'adversary.' Initially I considered that a compliment because, to me, an adversary within an organization is a valuable asset. It was only after the President had used the term many times and with a disapproving inflection that I realized he considered an adversary an enemy. . . . As I sensed that the conversation was about to end, I asked, 'Mr. President, do you want me to leave the Administration?' He jumped up from his chair, very hurried and agitated. He said, 'That's one option we hadn't considered.' He called in Ehrlichman and said, 'John, I want you to handle this.' "

Most of the time, however, Nixon managed to avoid such awkward moments, maintaining control from a position of mystery. Whalen's description of "The Boss' " relations with staff members is probably more typical. "Contrary to his reputation, Nixon doled out authority rather freely, but only in small and ambiguous doses, often to more than one person at a time. He like to please useful people—that was the salesman—and he also liked to see them run scared and perhaps become more useful. Standing apart from the rivalries he arranged and pretending unawareness, he watched as the stronger defeated the weaker. The loser knew his fate when Nixon shunned him, but the winner could never be confident of his victory. For if someone appeared who seemed smarter and stronger, Nixon might set up another conflict, which would begin without notice to the winner of the previous round." A



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member of the press and long-time friend of Nixon tells Allen Drury: "There's a lot of competition for the great man's smile. I think it amuses him. He's an intelligent man. I think he rather enjoys it, like all Presidents. They're really all sons of bitches, in some ways. They enjoy being President and they secretly enjoy what the presidency does to other people."

## 'I Never Shoot Blanks'

It seems to me that there are two distinct strains here, the Machiavellian manipulator, who, like a Mafia boss, relegates the dirty work to subordinates while skillfully engendering tensions among them, thus insuring his ascendency, and the timid man who shrinks from cutting others down, even when he believes he must, both because he can't bear seeing others hurt and because the self-assertion called for by such actions is distasteful to him. In the Hickel episode it's fairly clear that the latter strain dominates—the flustered man starting from his chair is not Machiavellian, but upset. There is little to admire in a person who, recoiling from firing someone directly, tries to avoid the pain by delegating the chore to someone else, but this behavior is still considerably preferable to that of someone who actually relishes putting people down, as Johnson did. If Nixon secretly enjoys what the presidency does to people, it is the dependency, powerlessness, and hence the sycophancy of the men around him which he savors, not the exercise of that power, the brutal drawing of blood, and that, at least, is a plus. The other strain, that of the aloof calculator impersonally manipulating his subordinates is, I suspect, quite separate from the half-appealing squeamishness. It's an execrable quality, though a common by-product of power, which conforms far more readily than the other to the accepted picture of the President.

Nixon, it would seem likely, is ashamed of the squeamish strain and considers it a weakness. In any event, his own comments on himself emphasize his character as a manipulator by projecting a self-image of detachment and control, albeit an image somewhat belied by the tone of his remarks. In one of those rare passages in Drury where his words seem spontaneous, he says of his bugaboo, the press, " 'The press?' His expression changed, became earnest, stubborn, close to contemptuous. 'I probably follow the press more closely and am less affected by it than any other President. I have a very cool detachment about it. I have never called a publisher, never called an editor, never called a reporter on the carpet. I don't care. And do you know?'—a grim but rather pleased expression—'that's what makes 'em mad. That's what infuriates 'em. And that gets 'em. . . . There are some people, you know, they think the way to be a big man is to shout and stomp and raise hell—and then nothing ever really happens. I'm not like that, with the staff or with the press. I never shoot blanks.' "

Perhaps a clue to this man who says he never shoots blanks, yet who recoils from a rude or passionate word, who coolly engineers bloodletting just out of earshot, yet must have a letter of resignation filtered for him, is that, face-to-face, he is, as he claims, almost unerringly courteous. It comes out in Whalen's private interviews with him, and many of Drury's subjects mention it. He is even polite to movies. Tricia remarks to Drury: "My father is very patient and very loyal to a movie. He's the last one to walk out on one if it's bad. The rest of us keep saying let's go, come on, this is lousy, but he says no, let's wait a bit and maybe it will get better. He is a perpetual optimist about everything, including people." If somewhat ludicrous when extended to movies, this is one of the more likable qualities of the man, this, and an innate cheerfulness which comes through, a startling counterpoint to the picture of Nixon as brooding, Machiavellian, hooded. Julie says: "Dwight Chapin has told


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me that when the staff is feeling rather low, he is apt to feel rather high and relaxed, and so that seems to lift up their spirits. The only time I have really seen him worried was during Cambodia, when he felt that he had to do what he thought was right even though some major members of his staff were against him on it. . . . He is serious but he is never gloomy."

## The Likable Nixon

The Drury interviews with Julie, Pat, and Tricia have an unmistakable ring of candor about them. The jokes about the women close to Nixon as synthetic and trivial are probably the most unfair of the sarcasm the Administration has reaped. The people speaking are obviously healthy, reasonably intelligent, sympathetic individuals. And the man they talk about is no monster. He is not only courteous, but warm, humorous, and very close to his family, has brought up his children lovingly and well, and has led a full, shared life with his spouse. He is also someone trying very hard to do his best. Aside from the occasional moments of spontaneous outburst, these familial descriptions are the places where one feels closest to an actual full-blooded person. They are also the only points at which one perceives Nixon as truly likable, at which one gets a sense that there is something touching, and genuine about him. Yet the moment you pass out of that close family world, the elusive impression vanishes and a completely different figure, basically fitting the stereotype, takes over, with very few chinks in the picture suggesting anything to the contrary.

That there is an abrupt split between the public and the private man is suggested in an especially intriguing way in the area of, for lack of a better word, sincerity. The person his family knows is dedicated and concerned, precisely the qualities which one generally finds so desperately lacking in others' accounts. Against this contradiction, one of Drury's interviews and one of Whalen's observations are telling. In the Drury book a high-ranking Republican comments, "I think he still has the feeling that 'people think I'm a politician and they'll let me have certain things if I present them as the politician they think I am.' He seems to think that it is impossible for the public to accept him as being sincere, and therefore he will act and appeal in an insincere manner. . . . I think in a sense, he feels he would be embarrassed in front of his old colleagues of Congress if he took the position that he generally believed in his own rhetoric." Whalen also remarks on this fear of appearing idealistic, and on the corollary tendency of mistrusting the mind: "Even those who despised him were forced to concede his superior intelligence. Yet he chose not to be directed by his intellect. Instead, he put an intellectual's mind in the service of a salesman's temperament. He did not express ideas, he put them across—and in the process turned them into something else. He was often accused of talking down to his audiences. He did more than that. By reducing politics to winning elections, he discouraged those who agreed with him from looking and reaching up." But if one glimpses a tragically suppressed idealism, the glimpses are fleeting; the well-known Nixon keeps crashing back through the mercurial image so that one has to conclude that if it exists, the quality is deeply suppressed indeed.

If sincerity does not translate out of the private man into public life, the politeness and restraint from gratuitous bullying does, at least into his relationship with those working around him. Curiously, however, the urge to be polite is lost in the next transition into his super-public life, his behavior as head of the country before the eyes of all. There he needlessly insults, calling students "bums" and welfare recipients "loafers," behavior which, from the descriptions in these two books, is completely uncharacteristic of the man in person. Yet, when we hear him explode this



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way we think that at last we are hearing the real Nixon. Even more enigmatic, in the case of his tongue-lashing of welfare recipients, he was actually fighting for the Family Assistance plan, aimed not towards cutting off these alleged cheaters, but towards bettering their lot, an aim which could certainly be construed as idealistic.

## A Sagging Dream

While these layers of contradictions challenge the stereotype of Nixon's character—and that is valuable—in the end the dominant impression is the purposelessness, the dull, bland feeling so infuriating to Whalen, of going nowhere. Perhaps an extension of the chief figure's deferential courteousness, the daily atmosphere in the White House which comes across from Drury is one of laxity. The unseen garroting, the silent blackballing, that part of staff administration which is ruthless, tends to happen according to whether a person has displeased by being, like Wally Hickel, an adversary, a role interpreted by Nixon as disloyal, and not by being slow or incompetent in his job. A staff member remarked to Drury that when the President asks for something to be done by eight o'clock the next morning it often isn't on his desk for two or three days. Whalen repeatedly remarks on Nixon's lack of interest in actually governing, in getting things done, particularly on the domestic scene, a corollary of his lack of interest in domestic issues. His outburst about the pointlessness of position papers, their being little more than sops for women and the press, is repeated in more sober moods, in his remarks that a President's real concern is foreign policy, and that all he need do on the domestic front is appoint a good cabinet to handle it. Given this attitude, it's no wonder that, with the exception of the Kissinger group, there is a certain lack of excitement in the day-to-day work of the staff, no particular drive to get that report on the desk by eight o'clock. With no special aim in view, no aspiration, no direction to the corporate effort, it's hardly surprising that the atmosphere is rather desultory. "On Election Day Nixon had reached his destination but there the tracks had stopped," writes Whalen. "Now he began an improvised presidency."

Mixing easily with the purposelessness is the impression that all these amazing young men, Gillette ads of 15 years ago incarnate, and their slightly more grizzled superiors are blissfully out of touch with the real world. "The unions have an enormous respect for [Nixon] as an individual," says Charles Colson, special counsel to the President. "You don't hear the President being accused of being the captive of big business or other cliches which used to be thrown around about Republican Presidents." Never. On a more poignant level, the universal admiration of Connally for his ability to "get along with strangers," and talk easily to Congressmen and their wives betrays how fundamentally out-of-it they all feel. But perhaps of all the clues to this aimless, untuned-in quality is a conversation, reported by Whalen, between Kevin Phillips, another of the disaffected whiz kids, and Ehrlichman. If there was any cause the Nixon Administration claimed to champion, both before and after the election, it was that of suburbia, that of white, middle America. Thus, when Phillips condemned that appeal as phony, the usually somnolent beast was stung out of its indifference, and Ehrlichman sought Phillips out to plead the Administration's sincerity. "Over lunch Phillips asked him how many Adminstration programs directly benefited Middle Americans.

" 'Oh,' Ehrlichman replied, '50 or 60.'

" 'Name one.'

" 'Postal reform.'

"Phillips, taken aback but inclined to be liberal in this situation, nodded and said, 'Name another.'

"Ehrlichman, after several moments, silently turned to his lunch." □


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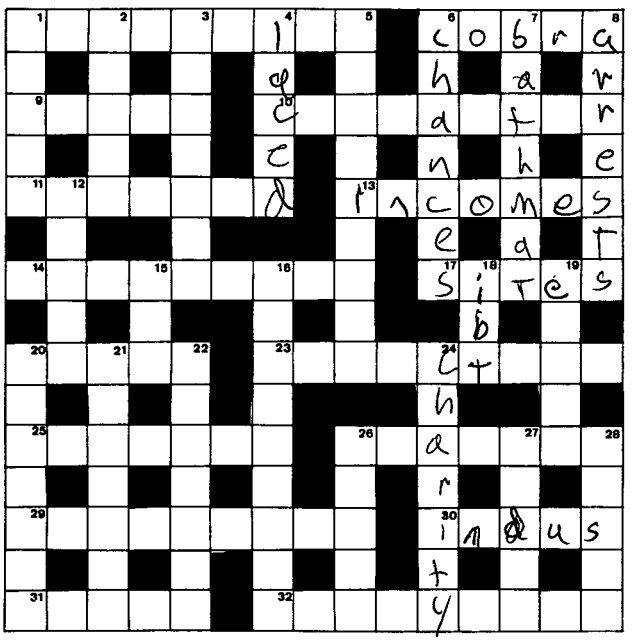
# The Political Puzzle

by John Barclay



**ACROSS**

1. Are tax reformers really after Chicago paving defects? (9)
6. Something lethal in San Francisco bravado. (5)
9. Kind of weight or taker. (5)
10. Type to reach cart first. (9)
11. Went too far on rest day. (7)
13. For him coins, me receipts. (7)
14. Tax trouble to mix one pet on this list. (9)
17. We hear he sees the places. (5)
20. For some, a side effect of daydreaming. (5)
23. Did no cute trick on tax return. (9)
25. Tax chief lets raw data come out. (7)
26. Watch doctor reach burned victim. (7)
29. Bring in a French one to annoy. (9)
30. Beginning industry is Asian water power. (5)
31. What you can do with minimum standard deduction. (5)
32. "Everything happens to ---- sooner or later if there is time enough." *Shaw* (9)

**DOWN**

1. Saint follower brings us oil. (5)
2. Command in for dermatologist. (5)
3. Clearly not a slowdown! (7, 2)
4. Bound decal up. (5)
5. Placed well to aid on test. (7)
6. She can see the risks. (7)
7. Absorbs fall-out from that ABM fight. (7)
8. She stops the starers. (7)
12. Tried on April 15? (5)
15. Exculpatory word? (3)
16. While money controversy rages, you and I spend it. (2, 7)
18. Hoffa's pals do their bit. (3)
19. To overact North is East to me. (5)
20. How nurse looks within East Pavilion. (2, 5)
21. See pill near White House. (7)
22. Enter as a scoffer. (5, 2)
24. Tax man allows deduction for R. I. yacht. (7)
26. This island stands erect. (5)
27. One road into everyman's home. (5)
28. Rural road pollution study. (5)

*The numbers indicate the number of letters and words, e.g., (2, 3) means a two-letter word followed by a three-letter word. Groups of letters, e.g., USA, are treated as one word. Answers to last month's puzzle are on page 12.*



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# POLITICAL BOOK NOTES

*Books to be published in May.*

**About Television.** Martin Mayer. Harper & Row, $10.

**Afternoon on the Potomac?** Roy Jenkins. Yale, $4.50. Understated and intelligent, the 1971 Henry L. Stimson lectures present a very British view of America's changing position in the world.

**Americans Are Alone in the World.** Luigi Barzini. Library Press, $5.95.

**A Bias of Reflections: Confessions of an Incipient Old Jew.** Nathan Perlmutter. Arlington House, $6.95.

**A Bill of No Rights: Attica and the American Prison System.** Herman Badillo, Milton Haynes. Outerbridge and Lazard, $6.95.

**The Black Migration.** George W. Groh. Weybright & Talley, $8.95.

**Catch a Falling Flag: A Republican's Challenge to His Party.** Richard J. Whalen. Houghton Mifflin, $6.95. Reviewed in this issue, p. XX.

**Chink: A Documentary History of Anti-Chinese Prejudice in America.** Cheng-Tsu Wu, ed. World, $7.95.

**The Coming of Age.** Simone de Beauvoir. Putnam, $10.

**Communes in the Counter Culture: Origins, Theories, Styles of Life.** Keith Melville. Morrow, $6.95, $2.45.

**Concentration Camps USA: Japanese Americans and World War II.** Roger Daniels. Holt, Rinehart & Winston. $6.95. A reminder that it can happen here—it did. In the words of the author, a "grim warning of democracy at its worst. . . discarding and abusing due process in order to work the will of the majority."

**The Crowding Syndrome: Learning to Live with Too Much and Too Many.** Caroline Bird. McKay, $7.95.

**The Death of the Army: A Pre-Mortem.** Edward L. King. Saturday Review, $6.95. The dust jacket accurately describes it as an "outspoken indictment of the United States Army by a bona-fide insider." Sometimes the indictment is devastating, as with his description of the Army's cruel wasting of the "dumbshits," but often it is overly emotional and unbalanced.

**The Descent of Woman.** Elaine Morgan. Stein & Day, $7.95.

**Detroit: City of Race and Class Violence.** B. J. Widick. Quadrangle, $8.95.

**Did the Mafia Kill JFK?** Peter Noyes. Nash, $7.95.

**The Drug Hang-Up: America's Fifty-Year Folly.** Rufus King. Norton, $8.95. Were this book on a different subject, one might be inclined to recommend it as an excellent treatise for "those interested." But the history of drugs, the law, and enforcement in the U. S. is not just scholarly background to a social problem, it contains the key to understanding how we went wrong, and what, most reasonably, can be done about it. Only when this history is truly understood will we see the way to solving the apparent

**Ross Terrill.**

China expert for CBS-TV coverage of President Nixon's trip to China. Winner of the coveted George Polk Memorial Award for outstanding achievement in journalism. Author of "by far the finest account so far of life in the land of Mao,"[1] a book that is "fascinating,"[2] "one of the best and most illuminating pieces about contemporary China that I have yet read."[3]

**800,000,000: THE REAL CHINA**

$7.95 ATLANTIC/LITTLE, BROWN

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dilemmas. The last chapter of this book sets forth the rough outlines of that solution. The body of evidence which goes before is overwhelming in its favor.

**Drug-Trip Abroad: American Drug-Refugees in Amsterdam and London.** Walter Cuskey, Arnold W. Klein, William Krasner. University of Pennsylvania, $6.95.

**The Education of Edward Kennedy: A Family Biography.** Burton Hersh. Morrow, $10.95. This is worth reading, with much that you haven't heard before. Unfortunately, the author thinks he can write, which he can't. The result is interesting information, irritatingly presented.

**The Electric Mirror: Politics in an Age of Television.** Sig Mickelson. Dodd, Mead, $8.95.

**The Enormous Despair.** Judith Malina. Random House, $6.95.

**The Ethnic Factor: How America's Minorities Decide Elections.** Mark R. Levy, Michael S. Kramer. Simon & Schuster, $7.95.

**The Fifth World of Forster Bennett: Portrait of a Navaho.** Vincent Crapanzano. Viking, $6.95. Reminiscent of Oscar Lewis, this day-by-day journal covers a period of about seven weeks, during which the author lived, talked, worked, and traveled with a Navaho family and its neighbors.

**Flower of the Dragon: The Breakdown of the U. S. Army in Vietnam.** Richard Boyle. Ramparts, $6.95.

**The Fortunate Sex.** Dorothy Evslin. Saturday Review, $5.95.

**Freak Culture: Life Style and Politics.** Daniel Foss. New Critics Press, $8.95.

**The Great Drug Deception: The Story of MER/29, From Those Wonderful Folks Who Gave You Thalidomide.** Ralph Adam Fine. Stein & Day, $7.95. William S. Merrell Co., producers of thalidomide, also manufactured MER/29, a drug designed to reduce body cholesterol. After two years MER/29 was taken off the market, having been found to produce a painful skin condition and cataracts leading to blindness. This account of the behind-the-scenes investigations which led to the indictment of three Merrell officials should be another nail in the coffin of the FDA. But one suspects that the cumulative effect of so many similar stories may be a kind of hopeless apathy, the "bored by the war" syndrome on the home front.

**Grapes from Thorns** Dean Acheson. Norton, $7.95.

**Hankey: Man of Secrets** (Vol. II). Stephen Roskill. St. Martin's, $12.50.

**Hazardous to Your Health: A New Look at the "Health Care Crisis" in America.** Marvin Henry Edwards. Arlington, $9.95.

**The Honorable Mr. Marigold: My Life with Everett Dirksen.** Louella Dirksen w. Norma Lee Browning. Doubleday, $7.95.

**How to Wage A Successful Campaign for the Presidency.** Pat Paulsen. Nash, $4.95, $2.95.

**In Defense of Earth: International Protection of the Biosphere.** Lynton K. Caldwell. Indiana University, $8.50. A compendium of man's theories about his environment, and the ideas and organizations he has devised to protect it.

**Inside America: Observations of a Black African Diplomat.** Acropolis, $6.95.

**Intuition.** R. Buckminster Fuller. Doubleday, $4.95.

**Kike: A Documentary History of Anti-Semitism in America.** Michael Selzer, ed. World, $7.95.

**The Language of Cities.** Fran P. Hosken. Schenkman, $5.95.

**Men of Intelligence.** Sir Kenneth Strong. St. Martin's, $6.95.

**The Mugging.** Morton Hunt. Atheneum, $10.

**The New Families: Youth, Communes and the Politics of Drugs.** Ross V. Speck, et al. Basic, $6.95.

**No Fault: What You Save, Gain, and Lose With the New Auto Insurance.** Paul J. Gillespie, Miriam T. Klipper. Praeger, $5.95. A useful corrective to the more fashionable position in favor of no fault. However, it is not without its own bias and occasional pomposity. Witness the following straight-faced statement: "The function of the negligence bar has been to represent people who are victims of misfortune and assist them in their efforts to compete with superior economic interests."

**On the Democratic Idea in America.** Irving Kristol. Harper & Row, $5.

**Palestine: The Arab-Israeli Conflict.** Russell Stetler, ed. Ramparts, $6.95, $2.95.

**The Papers and the Papers.** Sanford J. Ungar. Dutton, $7.95. An excellent, fast-paced, reportorial account of the controversies surrounding the publication of the Pentagon Papers. The author produces revealing detail from inside all the camps—*The Washington Post, The New York Times*, the Nixon Administration, and Daniel Ellsberg.

**The Party of Eros: Radical Social Thought and the Realm of Freedom.** Richard King. University of North Carolina, $7.50. A soundly reasoned, scholarly analysis of the thoughts of Paul Goodman, Herbert Marcuse, and Norman O. Brown. There is a fine, tough chapter on Theodore Roszak, Philip Slater, and Charles Reich.

**Passport to Freedom: Education, Humanism, and Malcolm X.** Charles G. Hurst, Jr. Linnet, $7.95.



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# The answer to the urban problem has moved out of town.

The exodus of middle-Americans from the inner city has turned urban problems into minority problems. Former Secretary of HUD Robert C. Wood shows how the suburban majority can be mobilized to save the cities in *THE NECESSARY MAJORITY: Middle America and the Urban Crisis.*

Beginning with an analysis of the failure of the Johnson administration's urban programs, Wood goes on to explore the many varieties of intellectual defeatism that grew up in their place. He shows that the problems are still with us, but that the answers are at hand if we are willing to mobilize the right kind of political muscle. *THE NECESSARY MAJORITY* is *must* reading for city-dweller and suburbanite alike.

# The Necessary Majority

**Middle America and the Urban Crisis**
by **ROBERT C. WOOD**

Available at your local bookstore $5.95

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New York, N.Y. 10025




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**Paternalistic Capitalism.** Andreas G. Papandreou. University of Minnesota, $7.50. The exiled Greek political leader and economist says that "in the modern mass society the structure of power is such that representative democracy, though providing legitimacy for the actions of the State, has *become* a cloak for the almost unfettered exercise of power by the Establishment." He proposes to decentralize power through appropriate anthrogeographic regional units. Some paralyzing prose for some interesting ideas.

**Press, Politics and Popular Government.** George F. Will, ed. American Enterprise Institute, $3.00 .

**Social Security: Universal or Selective?** Milton Friedman, Wilbur J. Cohen. American Enterprise Institute, $5.75. See adaptation of Milton Friedman's remarks this issue, p.

**Socialism.** Michael Harrington. Saturday Review, $12.50.

**Street Time.** Richard Balzer. Grossman, $3.95, $8.95.

**The Superlawyers.** Joseph Goulden. Weybright & Talley, $8.95. A biting, well-researched tour through the ethics, money, and personalities of the major Washington law firms. Interestingly, Covington & Burling comes off better than Arnold & Porter. chiefly for its lack of pretense. And respected liberal judge Gerhard Gesell receives some hard licks for his past doings on the other side of the bench.

**Things to Come: Thinking About the Seventies and Eighties.** Herman Kahn and B. Bruce-Biggs. Macmillan, $7.95. The best way to see the future, it is said, is to have your body stored at freezing temperatures and thawed sometime after the turn of the next century. One suspects, after reviewing the output from Herman Kahn's think tank, the Hudson Institute, that he and his associates are already prepared for the long wait. This book is a typical example of what comes out of the controlled environment on the Hudson. The fights over the war in Vietnam, America's use of force around the world, and the power of the multinational corporation are explained thusly:

"It was useful to identify 30 different foreign/military policies presently being advocated. In presenting these to people involved in policy and program formulation and effectation, we found that most could comfortably classify themselves under one of these labels: austere pragmatic interventionist, prudential internationalist, or aggressive democrat. These labels were carefully chosen to be descriptive, acceptable to their proponents, and value-free; the purpose of such an exercise is to promote rational discussion of basic issues without cat-calls or fist-fights."

**The Third Year of the Nixon Watch.** John Osborne. Liveright, $6.95.

**To Die for the People.** Huey Newton. Random House, $7.95.

**Unquestioning Obedience to the President.** Leon Friedman, Burt Neuborne. Norton, $8.95. The record of *Orlando vs. Laird* and *Berk vs. Laird*, the ACLU's cases against the war in Vietnam.

**The War Conspiracy: The Secret Road to the Second Indochina War.** Peter Dale Scott. Bobbs-Merrill, $7.50.

**War Resisters Canada: The World of American Military-Political Refugees.** Kenneth F. Emerick. Knox, Pa. Free Press, $4.95.

**War Without End: American Planning for the Next Vietnams.** Michael T. Klare. Knopf, $10.

**What Makes Spiro Run? The Life and Times of Spiro T. Agnew.** Joseph Albright. Dodd, Mead, $6.95. The most thoroughly researched of this year's crop of Agnew books. It goes deeply into the Vice President's career in county government, a business most men enter for profit. That this was his motive, the book leaves little doubt. But shocking scandal is averted by Agnew's ineptitude. On the big deals that enriched others, he emerged with so little he could hardly be accused of anything.


**ESSENCE OF DECISION**

**Explaining the Cuban Missile Crisis**

**GRAHAM T. ALLISON**

Growing out of research at Harvard's Kennedy School of Government, where the author is Associate Professor of Politics, this book gives the most complete account and analysis of the Cuban missile crisis, and "provides unique insights for the sophisticated reader interested in the subject of governmental decision-making." —*Perspective.*

$8.95

**Little, Brown**




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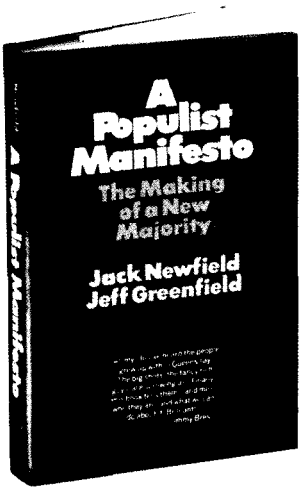


# A Populist Manifesto

## The Making of a New Majority

**Jack Newfield and Jeff Greenfield**

"A program for the millions of ordinary men and women who believe that government ought to serve the people, not just the special interests."—**Senator Edward Kennedy.** "Brim-filled with ideas, spilling over with intriguing proposals, crammed with facts, this manifesto should be required reading for presidential candidates of all persuasions."—**Stephen Schlesinger, *Saturday Review***

$5.95

# Blowing The Whistle

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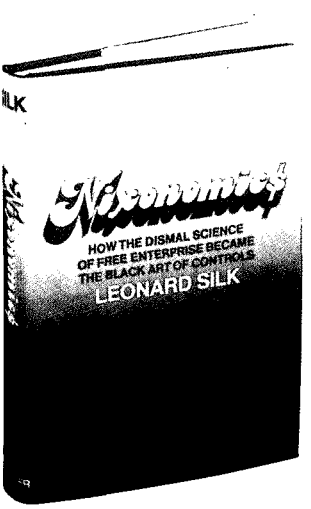
How effective is whistle-blowing as a means of dissent? Who has used the technique — and at what cost in suffering? In answering these questions, the authors provide the historical roots of whistle-blowing; report on interviews with, or comments by, well known whistle-blowers such as Ralph Nader, Daniel Ellsberg, James Boyd, and Ernest Fitzgerald; and present the major disclosures and protests of the past decade.

*A Washington Monthly Book* $8.95 cloth; $3.95 paper




# Nixonomics

## How the Dismal Science of Free Enterprise Became the Black Art of Controls

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Leonard Silk was former Editorial Chairman of Business Week and is now a member of The New York Times Editorial Board. He has written a book that is "not only fun to read . . . but as enlightening and informative on the impact of the national economic policies that are determining our incomes, our jobs and the strength and stability of our country as any I know of."—**Senator William Proxmire.** "Should be required reading for all the candidates."—**Walter Heller.** $6.95

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# Old Myths, New Realities

## The Myths of Cabinet Government

*by Richard H.S. Crossman*

In this perceptive study, Mr. Crossman reveals the difference between the reality of government in Britain and the myths, legends, and beliefs about it. Instead of a Cabinet Government, the British system has in fact become a Prime Ministerial Government. The author tests the validity of his thesis by applying it to Mr. Heath's first year as leader of England's Conservative Government. One hundred years after Walter Bagehot, Mr. Crossman uses Bagehot's device of contrasting American and British Government to analyze the British political system.

**The Godkin Lectures, 1970** *$5.95*

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